

## Part II



البَابُ الثَّانِي عَشَرَ

أَقْسَامُ الدِّيَارِ فِي الْإِسْلَامِ

CHAPTER TWELVE

CATEGORIES OF THE ABODES

ISLAM INTENDS TO BRING ABOUT A DYNAMIC, COHESIVE AND PEACEFUL society. Jihad is a comprehensive word loaded with multiple connotations. It encompasses individual life as well as persistent struggle to reform national and international affairs. A voluminous book by the present author on jihad is in process and will soon see daylight, with a peculiar feature of unveiling several aspects to this subject first time. Meanwhile, *al-Jihād al-Akbar*—Arabic, Urdu and *The Supreme Jihad*—English have already been published.

The extremist elements, militants and terrorist forces and groups have done very serious damage to the Islamic concept of jihad. Naming terrorism, massacres and bloodshed as jihad, they have brought defame to Islam and distorted its teachings and identity. The subject of this treatise being relations of Muslims and non-Muslims, the dissertation on categories of abodes has been included in this work.

According to the Islamic rules, the inhabitants of the countries of the world are divided into different abodes premised on their religions and state of affairs such as the Abode of Islam (*Dār al-Islām*), the Abode of Reconciliation (*Dār al-Ṣulḥ*), the Abode of Treaty (*Dār al-‘Ahd*), The Abode of Peace (*Dār al-Amn*) and the Abode of War (*Dār al-‘arb*). While in modern times, we find full display of extremism and violence due to wrong interpretation of religion, the division of countries into various abodes too is accomplished the way they like. Different gangs and groups kick off terrorism in the name of jīhad wherever they feel like due to their peculiar misanthropist idiosyncrasies and heretic beliefs. That leads to civil strife, mayhem, massacres and carnage. If asked about legal basis of the homicide and genocide they perpetrate they say: “this is ‘the abode of war’ so we are justified to slay the hostile people whether Muslims or non-Muslims.” It is against this perspective that the legal truths have been penned on the following pages to analyse and explain the division of abodes these people maliciously make to cause deviation and bring defame to the

Islamic beliefs.

## 12.1 THE ABODE OF ISLAM (DĀR AL-ISLĀM)

Imams and jurists have defined 'the Abode of Islam' in several ways. Here is a brief survey of these definitions.

1. Abū Ya'la al- anbalī (210-307 AH), in his treatise *al-Mu'tamad fi uṣūl al-Dīn* (p. 276), has premised the definition of the Abode of Islam on the issuance and supremacy of Islamic Law vis-à-vis non-Islamic rules instead of predicating it on the enforcement of Islamic Law in isolation. He has pronounced:

وَكُلُّ دَارٍ كَانَتْ الْغَلْبَةُ فِيهَا لِأَحْكَامِ الْإِسْلَامِ دُونَ أَحْكَامِ الْكُفْرِ فَهِيَ دَارُ  
إِسْلَامٍ.

"Every country, where, in comparison to non-Islamic Law, Islamic Law is held supreme, falls into the category of Abode of Islam."

2. Ibn al-Mufliḥ al- anbalī (717-762 AH), declaring the prevalence and supremacy of Islamic Law as the basis of the definition of 'Abode of Islam', has opined:

فَكُلُّ دَارٍ غَلَبَ عَلَيْهَا أَحْكَامُ الْمُسْلِمِينَ فَذَاكَ الْإِسْلَامُ.

"Every territory where the rules of the Muslims predominate is considered the Abode of Islam."<sup>1</sup>

3. Ibn al-Qayyim al- anbalī (691-751 AH), in his *Aḥkām ahl al-dhimma* (2:728), has proclaimed that if the Muslims dwell in a particular territory where Islamic laws are entered into force, it will be considered as the Abode of Islam. In support of his position, he has referred to the opinion held by the majority of the jurists:

قَالَ الْجَمْهُورُ: دَارُ الْإِسْلَامِ هِيَ الَّتِي نَزَلَهَا الْمُسْلِمُونَ وَجَرَتْ عَلَيْهَا  
أَحْكَامُ الْإِسْلَامِ.

<sup>1</sup> •Ibn al-Mufliḥ, *al-Ādāb al-shar'iyya*, 1:211.



"The majority opinion holds that the Abode of Islam is the land where Muslims dwell and Islamic pillars are enforced (and practised)."

4. Al-Shawkānī (d. 1255 AH) has defined it in the following way:

وَدَارُ الْإِسْلَامِ مَا ظَهَرَتْ فِيهِ الشَّهَادَتَانِ وَالصَّلَاةُ، وَلَمْ تَظْهَرْ فِيهَا خَصْلَةٌ  
كُفْرِيَّةٌ.

"The Abode of Islam is the land wherein a system is instituted on the formula of affirming the Oneness of Allah, witnessing the Messengership of the Prophet and establishing the ritual prayers, and that does not manifest any feature of disbelief."<sup>1</sup>

5. Shaykh Muhammad Abū Zahra (1898–1974 CE) has defined the Abode of Islam in these words:

دَارُ الْإِسْلَامِ هِيَ الدَّوْلَةُ الَّتِي تُحْكَمُ بِسُلْطَانِ الْمُسْلِمِينَ وَتَكُونُ الْمَنَعَةُ  
وَالْقُوَّةُ فِيهَا لِلْمُسْلِمِينَ.

"The Abode of Islam is the state where the authority and governance of the Muslim rulers prevail, and the Muslims own its defence and military might."<sup>2</sup>

## 12.1.1 HOW DOES AN ABODE OF ISLAM MORPH INTO AN ABODE OF DISBELIEF AND ABODE OF WAR?

1. Imam Muhammad b. Aḥmad al-Sarakhsī (d. 483 AH) has given a detailed description of the stance of the great Imam Abū Ḥanīfa (d. 150 AH) shared also by his two disciples—Imam Muhammad and Imam Abū Yūsuf—popularly known as *Ṣāhibayn*. Their position on how an Abode of Islam becomes an Abode of Disbelief and Abode of War has appeared as follows:

عِنْدَ أَبِي حَنِيفَةَ إِنَّمَا تَصِيرُ دَارُهُمْ دَارَ الْحَرْبِ بِثَلَاثِ شَرَائِطَ:

<sup>1</sup> •Al-Shawkānī, *al-Sayl al-jarār*, 4:575.

<sup>2</sup> •Abū Zuhra, *al-ʿAlāqāt al-duwaliyya fī al-Islām*, p. 56.

أَحَدُهَا: أَنْ تَكُونَ مُتَاحَةً أَرْضَ التُّرْكِ لَيْسَ بَيْنَهَا وَبَيْنَ أَرْضِ الْحَرْبِ  
دَارٌ لِلْمُسْلِمِينَ.

وَالثَّانِي: أَنْ لَا يَبْقَى فِيهَا مُسْلِمٌ آمِنٌ بِإِيمَانِهِ، وَلَا ذِمِّيٌّ آمِنٌ بِأَمَانِهِ.

وَالثَّالِثُ: أَنْ يُظْهِرُوا أَحْكَامَ الشُّرْكِ فِيهَا.

وَعَنْ أَبِي يُوسُفَ وَمُحَمَّدٍ: إِذَا أَظْهِرُوا أَحْكَامَ الشُّرْكِ فِيهَا فَقَدْ صَارَتْ  
دَارُهُمْ دَارَ حَرْبٍ.

According to Imam Abū anīfa, a land of the Muslims becomes an Abode of War—*dār al-harb*—when three conditions are met:

1. The neighbouring country of an Abode of Islam is an Abode of War and no other Muslim country forms a corridor between the two.
2. Muslim citizens become unsafe and insecure along with their faith and non-Muslim citizens find themselves deprived of safety that their peace treaty had already guaranteed them.
3. The non-Muslim combatants and aggressors capture it and make the non-Islamic and polytheistic law prevail.

In the view of Imam Abū Yūsuf and Imam Muḥammad, such a land morphs into the Abode of War when the invading non-Muslim forces seize it and enter into force the non-Muslim and polytheistic rules.<sup>1</sup>

2. In *Badā'i' al-ṣanā'i'*, Imam 'Alā' al-Dīn al-Kāsānī (d. 587 AH) elaborated on this edict issued by Imam Abū anīfa. He writes:

قَالَ أَبُو حَنِيفَةَ: إِنَّمَا لَا تَصِيرُ دَارُ الْكُفْرِ إِلَّا بِثَلَاثِ شَرَائِطَ:

أَحَدُهَا: ظُهُورُ أَحْكَامِ الْكُفْرِ فِيهَا.

<sup>1</sup> •Al-Sarakhasī, *al-Mabsūt*, 10:114.

وَالثَّانِي: أَنْ تَكُونَ مُتَاخِةً لِدَارِ الْكُفْرِ.

وَالثَّالِثُ: أَنْ لَا يَبْقَى فِيهَا مُسْلِمٌ وَلَا ذِمِّيٌّ أَمِنًا بِالْأَمَانِ الْأَوَّلِ وَهُوَ أَمَانُ الْمُسْلِمِينَ.

Imam Abū anīfa holds that unless three conditions are met, an Abode of Islam cannot turn into an Abode of War (*dār al-ḥarb*):

Firstly, non-Islamic rules are enforced.

Secondly, it abuts an Abode of War.

Thirdly, neither a Muslim nor a non-Muslim citizen remains secure under the umbrella of the peace treaty concluded with the non-Muslims by the Muslims.<sup>1</sup>

3. In *Durr al-mukhtār*, ‘Ala’ al-Dīn al- askafī (d. 1088 AH) has also quoted the same edict of Imam Abū anīfa with regard to the Abode of Islam developing into an Abode of War. He said:

لَا تَصِيرُ دَارُ الْإِسْلَامِ دَارَ حَرْبٍ إِلَّا بِأُمُورٍ ثَلَاثَةٍ:

بِإِجْرَاءِ أَحْكَامِ أَهْلِ الشَّرِكِ.

وَبِاتِّصَالِهَا بِدَارِ الْحَرْبِ.

وَبِأَنْ لَا يَبْقَى فِيهَا مُسْلِمٌ أَوْ ذِمِّيٌّ أَمِنًا بِالْأَمَانِ الْأَوَّلِ.

An Abode of Islam cannot take the shape of an Abode of War (*dār al-ḥarb*) without the following three conditions:

1. The laws of polytheists are entered into force.
2. It borders an Abode of War.
3. No Muslim or non-Muslim citizen remains protected under the peace treaty of the Muslims with the non-Muslims.<sup>2</sup>

4. Ibn Qudāma al- anbalī (d. 620 AH) has also taken an account of

<sup>1</sup> •Al-Kāsānī, *Badā’i’ al-ṣanā’i’*, 8:130.

<sup>2</sup> •Al- aṣḥafī, *al-Durr al-mukhtār*, 4:174-175.



the stipulations mentioned by Imam Abū anīfa. He said:

قَالَ أَبُو حَنِيفَةَ: لَا تَصِيرُ دَارُ حَرْبٍ حَتَّى تَجْمَعَ فِيهَا ثَلَاثَةُ أَشْيَاءَ:  
أَنْ تَكُونَ مُتَاحَةً لِدَارِ الْحَرْبِ لَا شَيْءَ بَيْنَهُمَا مِنْ دَارِ الْإِسْلَامِ.  
الثَّانِي: أَنْ لَا يَبْقَى فِيهَا مُسْلِمٌ وَلَا ذِمِّيٌّ آمِنٌ.  
الثَّالِثُ: أَنْ تُجْرَى فِيهَا أَحْكَامُهُمْ.

According to Imam Abū anīfa, the Abode of Islam does not turn into an Abode of War until three conditions are met:

1. It borders an Abode of War with no commonality of any feature of the Abode of Islam.
2. Neither a Muslim nor a non-Muslim is in a state of peace.
3. The rules of non-Muslims are in effect.<sup>1</sup>

5. Shaykh Muhammad b. Aḥmad b. 'Arafa al-Dasūqī al-Mālikī (d. 1230 AH) has opined:

بِلَادُ الْإِسْلَامِ لَا تَصِيرُ دَارُ حَرْبٍ بِأَخْذِ الْكُفَّارِ لَهَا بِالْقَهْرِ مَا دَامَتْ شَعَائِرُ  
الْإِسْلَامِ قَائِمَةً فِيهَا. ...

بِلَادُ الْإِسْلَامِ لَا تَصِيرُ دَارُ حَرْبٍ بِمُجَرَّدِ اسْتِيلَائِهِمْ عَلَيْهَا بَلْ حَتَّى  
تَنْقُطَعَ إِقَامَةُ شَعَائِرِ الْإِسْلَامِ عَنْهَا، وَأَمَّا مَا دَامَتْ شَعَائِرُ الْإِسْلَامِ أَوْ  
غَالِبَهَا قَائِمَةً فِيهَا فَلَا تَصِيرُ دَارُ حَرْبٍ.

As long as the Signs of Islam (*sha'ā'ir al-Islām*) persist, the lands of *dār al-Islām* do not turn into *dār al-ḥarb* just because the disbelievers seize them by force....

Until the Signs of Islam give way and remain no more in practice, the mere upper hand of disbelievers cannot alter the status of Muslim countries and transform them into *dār al-ḥarb*. So long as Islamic rituals are in practice and

<sup>1</sup> •Ibn Qudāma, *al-Mughnī fī fiqh al-Imām Aḥmad b. anbal*, 9:25–26.



predominant, Muslim lands do not become *dār al-ḥarb*.<sup>1</sup>

6. Shaykh Aḥmad b. Muhammad al-Ṣawī al-Khalwatī al-Mālikī (d. 1241 AH) has also taken the same position in his work *Bulgha al-sālik li-aqrab al-masālik 'alā Sharḥ al-ṣaghīr li Aḥmad al-Dardīr* (2:187).
7. Elucidating the Salafi standpoint on the issue, al-Shawkānī writes:

إِنْ كَانَتْ الْأَوَامِرُ وَالنَّوَاحِي فِي الدَّارِ لِأَهْلِ الْإِسْلَامِ بِحَيْثُ لَا يَسْتَطِيعُ  
مَنْ فِيهَا مِنَ الْكُفَّارِ أَنْ يَتَظَاهَرَ بِكُفْرِهِ إِلَّا لِكُونِهِ مَأْذُونًا لَهُ بِذَلِكَ مِنْ أَهْلِ  
الْإِسْلَامِ فَهَذِهِ دَارُ إِسْلَامٍ، وَلَا يَضُرُّ ظُهُورُ الْخِصَالِ الْكُفْرِيَّةِ فِيهَا لِأَنَّهَا  
لَمْ تَظْهَرْ بِقُوَّةِ الْكُفَّارِ وَلَا بِصَوْلَتِهِمْ كَمَا هُوَ مُشَاهَدٌ فِي أَهْلِ الذِّمَّةِ مِنَ  
الْيَهُودِ وَالنَّصَارَى وَالْمُعَاهِدِينَ السَّاكِنِينَ فِي الْمَدَائِنِ الْإِسْلَامِيَّةِ، وَإِذَا  
كَانَ الْأَمْرُ الْعَكْسَ فَالدَّارُ بِالْعَكْسِ.

If the Islamic commands and prohibitions are enforced and practised in a country and the disbelievers are not in a position to proclaim their disbelief except that they have a permission from the believers to reside there, it is regarded as an Abode of Islam. It may be noted that the manifestation of the features of disbelief will not do it any harm as they cannot gain currency due to the disbelievers' meagre power and influence. The living conditions of the Jews and the Christians and the non-Muslims with whom there is a peace treaty in Muslim countries provide ample evidence to prove this. However, if matters are reversed, then the status of the abode will be reversed, too (i.e., it will morph into an Abode of Disbelief).<sup>2</sup>

### 12.1.2 THE STRINGENT CONDITIONS FOR THE ABODE OF WAR

The preceding comparative study of the ideas and concepts propounded

<sup>1</sup> •Al-Dasūqī, *āshiya 'alā al-Sharḥ al-kabīr*, 2:188.

<sup>2</sup> •Al-Shawkānī, *al-Sayl al-jarār*, 4:575.

by Imam Abū anīfa (d. 150 AH) and a host of other imams has revealed that the Islamic state will only transform into an Abode of Disbelief or an Abode of War when the following stringent conditions are met:

1. The non-Islamic and polytheistic laws dominate the Abode of Islam: idolatry instead of the belief in the Oneness of Allah prevails; the rules of non-Muslims instead of the Divine and Prophetic laws enter into force; and the Muslim faith and practices are banned.
2. The Muslim and non-Muslim inhabitants are deprived of the protection and security that was conferred on them by the earlier Islamic state—the non-Muslim government completely takes over.
3. The Signs and Rituals of Islam—the call to prayer, the ritual prayers, fasting, pilgrimage and the Alms-due—all of the pillars are abolished.
4. The Muslim community does not enjoy a majority any longer.

It should be noted that the status of an Abode of Islam for a Muslim state is impaired only when it completely meets these conditions. Thus, no one has the right to declare an Islamic state an Abode of War and unleash a spree of violence, tribulations and killings. If a Muslim country meets all but one of the preceding conditions, its status as an Abode of Islam remains intact. Quoting the same edict of Imam Abū anīfa, Imam Abū Ja'far al-Ṭāḥāwī (d. 321 AH) added the following sentence:

إِنْ فَقَدَ شَيْءٌ مِنْ ذَلِكَ لَمْ تَكُنْ دَارَ حَرْبٍ.

“If any of these conditions are unmet, it will not become *dār al-ḥarb* (and will continue as *dār al-Islām*).”<sup>1</sup>

### 12.1.3 THE RATIONALE FOR THE STRINGENT CONDITIONS REGARDING THE ABODE OF WAR

Imam al-Sarakhasī said in *al-Mabsūṭ* (10:114):

أَبُو حَنِيفَةَ يَعْتَبِرُ تَمَامَ الْقَهْرِ وَالْقُوَّةِ، لِأَنَّ هَذِهِ الْبَلَدَةَ كَانَتْ مِنْ دَارِ الْإِسْلَامِ،

<sup>1</sup> •Al-Ṭāḥāwī, *Mukhtaṣar ikhtilāf al-‘ulamā’*, 3:469.

مُحَرَّرَةً لِلْمُسْلِمِينَ فَلَا يَبْطُلُ ذَلِكَ إِلَّا خِرَازُ إِلَّا بِتَمَامِ الْقَهْرِ مِنَ الْمُشْرِكِينَ،  
وَذَلِكَ بِاسْتِجَاعِ الشَّرَائِطِ الثَّلَاثِ، لِأَنَّهَا إِذَا لَمْ تَكُنْ مُتَّصِلَةً بِالشَّرِكِ  
فَأَهْلُهَا مَقْهُورُونَ بِإِحَاطَةِ الْمُسْلِمِينَ بِهِمْ مِنْ كُلِّ جَانِبٍ، فَكَذَلِكَ إِنْ  
بَقِيَ فِيهَا مُسْلِمٌ أَوْ ذِمِّيٌّ آمِنٌ فَذَلِكَ دَلِيلٌ عَدَمِ تَمَامِ الْقَهْرِ مِنْهُمْ.

Imam Abū anīfa considers full spectrum dominance [as a condition], because the said land was the Abode of Islam and a safe haven for the Muslims, and that cannot be cancelled out unless the polytheists gain full control [over it]—and that is only when the three conditions are met. If (in such a case) the polytheist rules are not promoted, it implies that the idolaters are hemmed in from all sides by the besieging Muslims. In a like manner, if the Muslim and non-Muslim citizens are in peace, it implies that the non-Muslims have not attained complete control.

Citing the fatwa issued by the great Imam Abū anīfa, Imam ‘Alā’ al-Dīn al-Kāsānī al-anafī (d. 587 AH) writes in *Badā’i’ al-ṣanā’i’* (7:131):

وَجْهٌ قَوْلِ أَبِي حَنِيفَةَ أَنَّ الْمَقْصُودَ مِنْ إِضَافَةِ الدَّارِ إِلَى الْإِسْلَامِ وَالْكُفْرِ  
لَيْسَ هُوَ عَيْنَ الْإِسْلَامِ وَالْكُفْرِ، وَإِنَّمَا الْمَقْصُودُ هُوَ الْأَمْنُ وَالْخَوْفُ.  
وَمَعْنَاهُ أَنَّ الْأَمَانَ إِنْ كَانَ لِلْمُسْلِمِينَ فِيهَا عَلَى الْإِطْلَاقِ، وَالْخَوْفُ  
لِلْكَفَرَةِ عَلَى الْإِطْلَاقِ، فَهِيَ دَارُ الْإِسْلَامِ، وَإِنْ كَانَ الْأَمَانُ فِيهَا لِلْكَفَرَةِ  
عَلَى الْإِطْلَاقِ، وَالْخَوْفُ لِلْمُسْلِمِينَ عَلَى الْإِطْلَاقِ، فَهِيَ دَارُ الْكُفْرِ.  
وَالْأَحْكَامُ مَبْنِيَّةٌ عَلَى الْأَمَانِ وَالْخَوْفِ لَا عَلَى الْإِسْلَامِ وَالْكُفْرِ، فَكَانَ  
اعْتِبَارُ الْأَمَانِ وَالْخَوْفِ أَوَّلَى، فَمَا لَمْ تَقَعْ الْحَاجَةُ لِلْمُسْلِمِينَ إِلَى  
الِاسْتِثْنَاءِ بَقِيَ الْأَمْنُ الثَّابِتُ فِيهَا عَلَى الْإِطْلَاقِ، فَلَا تَصِيرُ دَارُ الْكُفْرِ.

The rationale behind the statement of Imam Abū anīfa is



that the annexation of a 'dār' (abode) with *Islām* and *kufr* is not because of Islam or *kufr per se*. Its implied intent is peace and terror (the Abode of Islam denotes an Abode of Peace and the Abode of Disbelief signifies an Abode of Terror). This means if the Muslims of a country enjoy absolute peace and protection while the disbelievers live under absolute fear (until the Islamic government guarantees their protection), the country is an Abode of Islam. However, if the disbelievers breathe in absolute peace while the Muslims live in absolute fear, the country is (unequivocally) an Abode of Disbelief.

So the application of rules is premised on peace and fear instead of Islamic faith or its rejection (i.e., *kufr*). What matters then is whether the state of peace or fear is supreme. So long as the Muslims are not in need of seeking security and the existing security arrangements persist, the land will not morph into an Abode of Disbelief—*dār al-kufr*.

#### 12.1.4 THE INAPTNES OF DECLARING AN ABODE OF ISLAM AN ABODE OF DISBELIEF DUE TO PREDOMINANT CORRUPTION

The Salafi scholar al-Shawkānī (d. 1255 AH) has also stated:

إِلْحَاقُ دَارِ الْإِسْلَامِ بِدَارِ الْكُفْرِ بِمُجَرَّدِ وَقُوعِ الْمَعَاصِي فِيهَا عَلَى وَجْهِ  
الظُّهُورِ لَيْسَ بِمُنَاسِبٍ لِعِلْمِ الرِّوَايَةِ وَلَا لِعِلْمِ الدَّرَايَةِ.

According to the reported and the acquired knowledge (the teachings of the Qur'ān and Sunna and the application of reason and intellect), declaring an Abode of Islam as the Abode of Disbelief on the ground of predominant corruption and acts of disobedience is inapt and inappropriate.<sup>1</sup>

#### 12.1.5 ABSOLUTE POWER AND DOMINANCE ARE A MUST FOR A PLACE TO BE JUDGED AS AN ABODE OF WAR

According to Imam Abū anīfa, an Abode of Islam cannot change

<sup>1</sup> •Al-Shawkānī, *Nayl al-awṭār*, 8:179.



into an Abode of War unless a hostile power assumes absolute and total control. An abode does not undergo change through only partial control. Abū anīfa maintains that the basis for change is not Islam or *kufr per se*, but rather the basis is security and fear.

As already mentioned, Imam 'Alā' al-Dīn al-Kāsānī al-anafī, after citing the edict of Imam Abū anīfa, said:

وَجْهٌ قَوْلِ أَبِي حَنِيفَةَ أَنَّ الْمَقْصُودَ مِنْ إِضَافَةِ الدَّارِ إِلَى الْإِسْلَامِ وَالْكَفْرِ  
لَيْسَ هُوَ عَيْنُ الْإِسْلَامِ وَالْكَفْرِ، وَإِنَّمَا الْمَقْصُودُ هُوَ الْأَمْنُ وَالْخَوْفُ.

The underlying logic of Imam Abū anīfa's statement is that annexing 'Dār' (abode) with *Islām* and *kufr* purposely implies peace and terror (the Abode of Islam denotes an Abode of Peace and the Abode of Disbelief signifies an Abode of Terror).<sup>1</sup>

Furthermore, Imam Abū anīfa holds that the relevance of applying the rules is predicated on peace and terror instead of Islamic faith or *kufr*. The significance, therefore, of peace and fear is supreme. So long as Muslims are not in need of seeking security and the existing security arrangements endure, the land will not transform into an Abode of Disbelief—*dār al-kufr*.<sup>2</sup>

## 12.1.6 THE VIEWPOINT OF AL-THĀNWĪ ON THE ABODE OF WAR

Al-Thānwī has cited a quote from Imam Jamāl al-Dīn b. 'Imād al-Dīn al-anafī's *Fuṣūl al-ahkām fī usūl al-ahkām* in his famous book *Kashshāf isṭilāḥāt al-funūn* (1:466):

وَلَا خِلَافَ فِي أَنَّهُ يَصِيرُ دَارُ الْحَرْبِ دَارَ الْإِسْلَامِ بِإِجْرَاءِ بَعْضِ أَحْكَامِ  
الْإِسْلَامِ فِيهَا.

There is no disagreement that *dār al-ḥarb* becomes *dār al-Islām* due to the enforcement of some of the Shariah laws

<sup>1</sup> •Al-Kāsānī, *Badā'ī' al-ṣanā'ī'*, 7:131.

<sup>2</sup> Ibid.

therein (and continues to be so long as the rules operate).<sup>1</sup>

Describing the third condition on the change of the Abode of Islam into the Abode of War, he writes:

وَنَالِثُهَا زَوَالُ الْأَمَانِ الْأَوَّلِ، أَيُّ لَمْ يَبْقَ مُسْلِمٌ وَلَا ذِمِّيٌّ أَمِنًا إِلَّا بِأَمَانِ  
الْكُفَّارِ، وَلَمْ يَبْقَ الْأَمَانُ الَّذِي كَانَ لِلْمُسْلِمِ بِإِسْلَامِهِ.

[A]nd the third condition is that the treaty of peace concluded earlier will not be operative and in force any longer. Neither a Muslim nor a non-Muslim citizen enjoys protection save by one granted by the disbelievers, and there no longer remains the security that a Muslim enjoyed through his Islam.<sup>2</sup>

Al-Thānwī further writes with reference to Imam ‘Alī b. Muhammad b. Ismā‘īl al-Isbījābī al-Samarqandī (d. 535 AH):

إِنَّ الدَّارَ مُحْكُمَةً بِدَارِ الْإِسْلَامِ بِنَقَاءِ حُكْمٍ وَاحِدٍ فِيهَا كَمَا فِي الْعِمَادِيَّ،  
وَفَتَاوَى عَالَمَغِيرَ، وَفَتَاوَى قَاضِي خَانَ وَغَيْرَهَا.

An abode is determined as *dār al-Islām* by there remaining even a single (Islamic) ruling—as mentioned in *‘Imādī*, *Fatāwā ‘Ālamgīrī*, and *Fatāwā Qāḍī Khān*, etc.<sup>3</sup>

#### 12.1.7 A COUNTRY PRACTICING ISLAMIC TEACHINGS AND SIGNS CANNOT BE DECLARED AN ABODE OF WAR

Ibn Qudāma al-anbalī has written with reference to Imam Abū anīfa that, according to the latter, an Abode of Islam does not become an Abode of War until it meets three conditions. The second among them reads: “Not a single Muslim and non-Muslim citizen is in peace.”

Ibn Qudāma added: “[In that case] it will be an Abode of Disbelief. (However, legally, it will not be an Abode of Disbelief or Abode of

<sup>1</sup> Ibid.

<sup>2</sup> •Al-Thānwī, *Kashshāf istilāḥāt al-funūn*, 1:466.

<sup>3</sup> Ibid.

War).”<sup>1</sup>

Shaykh Muhammad b. Aḥmad b. ‘Arafa al-Dasūqī al-Mālikī (d. 1230 AH) maintains:

بِلَادُ الْإِسْلَامِ لَا تَصِيرُ دَارَ حَرْبٍ بِأَخْذِ الْكُفَّارِ لَهَا بِالْقَهْرِ مَا دَامَتْ  
شَعَائِرُ الْإِسْلَامِ قَائِمَةً فِيهَا.

As long as the Signs (and pillars) of Islam remain in practice and enforced, the Islamic lands—*dār al-Islām*—do not become *dār al-harb* merely because of the upper hand of disbelievers.<sup>2</sup>

#### 12.1.8 NO LAND CAN BE DECLARED AN ABODE OF WAR ONLY DUE TO DISBELIEVERS’ RULE AND AUTHORITY

The jurists of the Mālikī school uphold:

بِلَادُ الْإِسْلَامِ لَا تَصِيرُ دَارَ حَرْبٍ بِمَجْرَدِ اسْتِيلَانِهِمْ عَلَيْهَا.

Until the Signs and pillars of Islam are in practice, mere hegemony (or rule and authority) and coercive measures (like financial restrictions) of disbelievers cannot alter the status of Muslim countries into *Dār al- arb*.<sup>3</sup>

Ibn Taymiyya said:

وَأَمَّا مَنْ لَمْ يَكُنْ مِنْ أَهْلِ الْمَنَاعَةِ وَالْمُقَاتَلَةِ كَالنِّسَاءِ وَالصِّبْيَانِ  
وَالرَّاهِبِ وَالشَّيْخِ الْكَبِيرِ وَالْأَعْمَى وَالزَّمِنِ وَنَحْوِهِمْ فَلَا يُقْتَلُ عِنْدَ  
جَمْعِهِ الْعُلَمَاءِ.

A majority of jurists maintain that all non-combatants whether (they are) from women, children, priests, the elderly,

<sup>1</sup> •Ibn Qudāma, *al-Mughnī fī fiqh al-Imām Aḥmad b. anbal*, 9:26.

<sup>2</sup> •al-Dusūqī, *āshiya ‘alā al-Sharḥ al-kabīr ‘alā Mukhtaṣar Khalīl li al-Dardīr*, 2:188.

<sup>3</sup> Ibid.

the blind, the infirm and the like are not allowed to be killed.<sup>1</sup>

Ibn al-Qayyim stated in his book *Aḥkām ahl al-dhimma*: "If Muslims are residing in a particular territory and Islamic laws are implemented in it, such a state would be an Abode of Islam." He cited the majority opinion of the jurists:

دَارُ الْإِسْلَامِ هِيَ الَّتِي نَزَلَهَا الْمُسْلِمُونَ وَجَرَتْ عَلَيْهَا أَحْكَامُ الْإِسْلَامِ.

The Abode of Islam is the land in which the Muslims have settled and Islamic pillars are practiced.<sup>2</sup>

## 12.2 THE ABODE OF RECONCILIATION (DĀR AL-ṢUL )

An Abode of Reconciliation is the non-Islamic state which enters into a treaty of reconciliation with an Islamic state on some predetermined conditions.

### 12.2.1 THE DIFFERENCE BETWEEN THE ABODE OF TREATY AND THE ABODE OF RECONCILIATION

Most of the jurists and imams do not find any difference between the Abode of Treaty and the Abode of Reconciliation. However, Imam al-Shāfiʿī described a slight difference between these two. According to him:

An Abode of Treaty is a territory or a non-Muslim country, which enters into a treaty of peace with an Islamic state. Moreover, an Abode of Reconciliation refers to a non-Islamic country or a territory, which was at war with an Islamic state, and then agreed to reconciliation with the Islamic state to withdraw from war on certain conditions. So long as the reconciliation is sustained and armed conflict abates, the territory is regarded as an Abode of Reconciliation.

Imam al-Shāfiʿī has described in *Kitāb al-umm* (4:182) the situation in which an Abode of War becomes an Abode of Reconciliation:

<sup>1</sup> •Ibn Taimiyya, *Majmūʿ al-Fatāwā*, 28:354.

<sup>2</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 2:728.



إِذَا غَزَا الْإِمَامُ قَوْمًا فَلَمْ يَظْهَرْ عَلَيْهِمْ حَتَّى عَرَضُوا عَلَيْهِ الصُّلْحَ عَلَى شَيْءٍ... فَعَلَيْهِ أَنْ يَقْبَلَهُ مِنْهُمْ.

When an Islamic state is at war with a non-Islamic state and they present the proposal of reconciliation to the Islamic state during the war, before their victory, then it is incumbent upon the Islamic state to agree to reconciliation.<sup>1</sup>

In accordance with Imam al-Shāfi'ī's view, if an Islamic state reconciles with a warring state, then that state will be changed from an Abode of War to an Abode of Reconciliation.

Defining the concept of Abode of Reconciliation, Sh. Muhammad Tāj al-'Arūsī writes in *Fiqh al-jihād wa al-'alaqāt al-duwaliyya fī al-Islām*:

هِيَ الَّتِي لَمْ يَظْهَرْ عَلَيْهَا الْمُسْلِمُونَ وَعَقَدَ أَهْلُهَا الصُّلْحَ بَيْنَهُمْ وَبَيْنَ الْمُسْلِمِينَ عَلَى شَيْءٍ.

It is a territory where Muslims have not overcome [militarily] and in which its inhabitants conclude a treaty of reconciliation with the Muslims according to certain terms.<sup>2</sup>

### 12.2.2 INSTRUCTIONS TO FULFIL AGREEMENTS WITH THE ABODE OF RECONCILIATION

In *sūra al-Nisā*, Allah has ordered Muslims to fulfil their agreements with non-Muslims with utmost sincerity and honesty:

﴿إِلَّا الَّذِينَ يَصِلُونَ إِلَى قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ أَوْ جَاءَكُمْ حَصْرَتْ صُدُورُهُمْ أَنْ يَقْتُلُوكُمْ أَوْ يُقْتَلُوا قَوْمَهُمْ وَلَوْ شَاءَ اللَّهُ لَسَلَّطَهُمْ عَلَيْكُمْ فَلَقَاتِلُوكُمْ فَإِنْ اعْتَزَلُوكُمْ فَلَمْ يُقْتِلُوكُمْ وَالْقُوا إِلَيْكُمْ السَّلَامَ فَمَا جَعَلَ اللَّهُ لَكُمْ عَلَيْهِمْ سَبِيلًا﴾

<sup>1</sup> •Al-Shāfi'ī, *al-Umm*, 4:184.

<sup>2</sup> •Al-Urūsī, *Fiqh al-jihād wa al-'alaqāt al-duwaliyya fī al-Islām*, p. 333.

﴿But (do not fight) those who have allied with a people that between you and them there is a (peace) treaty, or who (losing heart) come to you in such a state that their breasts are afflicted (with this obsession) whether they should fight you or their own people. If Allah had so willed, He (strengthening their hearts) would have given them supremacy over you. Then they would certainly have fought you. So if they keep away from you and do not fight you and send you (a message) for peace, then (in the interest of peace) Allah has left no way open for you (to launch any aggression) against them.﴾<sup>1</sup>

The next verse mentions that if some miscreants and troublemakers commit wrongdoing and terrorism, then it is essential that they are eliminated so that society can be protected from their evils:

﴿فَإِنْ لَّمْ يَعْزِلُوا إِلَيْكُمُ السَّلَامَ وَيَكْفُوا أَيْدِيَهُمْ فَخَذُّوهُمْ وَأَقْتُلُوهُمْ حَيْثُ تَقِفْتُمُوهُمْ وَأُولَئِكَ جَعَلْنَا لَكُمْ عَلَيْهِمْ سُلْطَانًا مُبِينًا﴾

﴿So if they do not give up (fighting against you, nor) send you any (message for) peace, (nor) hold their hands off (their disruptive activities), then seize (and capture) them and kill them wherever you find them. And it is they against whom We have granted you unrestricted authority.﴾<sup>2</sup>

Imam Fakhr al-Dīn al-Rāzī (d. 606 AH) wrote in his commentary on the above verse:

وَالْمَعْنَى ﴿فَإِنْ لَّمْ يَعْزِلُوا إِلَيْكُمُ السَّلَامَ وَيَكْفُوا أَيْدِيَهُمْ فَخَذُّوهُمْ وَأَقْتُلُوهُمْ حَيْثُ تَقِفْتُمُوهُمْ﴾. قَالَ الْأَكْثَرُونَ: وَهَذَا يَدُلُّ عَلَى أَنَّهُمْ إِذَا اعْتَزَلُوا قِتَالَنَا وَطَلَبُوا الصَّلَاحَ مِنَّا وَكَفُّوا أَيْدِيَهُمْ عَنْ إِيْذَانِنَا

<sup>1</sup> Qur'ān 4:90.

<sup>2</sup> Ibid., 4:91.

لَمْ يَجِزْ لَنَا قِتْلَهُمْ وَلَا قَتْلَهُمْ.

Many exegetes have stated that this verse signifies that when they (the disbelievers) eschew mischief and refrain from killing us, and want to reconcile with us, then it does not remain permissible for us to kill them.<sup>1</sup>

Similarly, verse 12 of *sūra al-Tawba* warns of chastisement for those transgressors who breach promises and covenants. It was revealed:

﴿وَإِنْ نَكَثُوا أَيْمَنَهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعْنُوا فِي دِينِكُمْ فَقَاتِلُوا أَيْمَةَ  
الْكُفْرِ إِنَّهُمْ لَا أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ﴾

And if after making a promise (for peaceful bilateral relations), they break their oaths, (and restore the state of war,) and taunt you with sarcasm in your Dīn (Religion), then wage (defensive) war against (those) chieftains of disbelief (to eliminate any chance of mischief, violence and revolt)—surely, their oaths are not worth any regard—so that they may desist (from their mischief-mongering).<sup>2</sup>

The very next verse of *sūra al-Tawba* enjoins fighting against those who breached the promise, ostracized Allah's Messenger ﷺ and his Companions from Mecca and initiated aggression, invasion and ordeals:

﴿أَلَا تَقَاتِلُونَ قَوْمًا نَكَثُوا أَيْمَنَهُمْ وَهَمُّوا بِإِخْرَاجِ الرَّسُولِ وَهُمْ بَدَّوْكُمْ  
أَوَّلَ مَرَّةٍ أَنْتَحَشُونَهُمْ فَاَللَّهُ أَحَقُّ أَنْ تَخْشَوْهُ إِنْ كُنْتُمْ مُؤْمِنِينَ﴾

Will you not fight a people who broke their oaths (violating the peace treaty and restoring the state of war), and decided to banish the Messenger (ﷺ) whilst the first time it is they who initiated war against you? Do you fear them? But Allah has more right that you should fear Him,

<sup>1</sup> •Al-Rāzī, *al-Taḥfīr al-kabīr*, 1:179.

<sup>2</sup> Qur'ān 9:12.

*provided you are believers.*<sup>1</sup>

Commenting on this verse, Imam al-Wāḥidī (d. 468 AH) said:

وَأَرَادَ بِنَكْتِ الْيَمِينِ هَهُنَا أَنَّهُمْ نَقَضُوا عَهْدَ الصُّلْحِ بِالْحُدَيْبِيَّةِ، وَأَعَانُوا  
بَنِي بَكْرٍ عَلَى خُرَاعَةِ، وَهُمْ كَانُوا حُلَفَاءَ رَسُولِ اللَّهِ ﷺ ... وَقَالَ جَمَاعَةٌ  
مِنَ الْمُفَسِّرِينَ: وَأَرَادَ أَنَّهُمْ قَاتَلُوا حُلَفَاءَ خُرَاعَةِ، فَبَدَأُوا بِنَقْضِ الْعَهْدِ  
... قَالَ ابْنُ عَبَّاسٍ وَالسُّدِّيُّ وَمُجَاهِدٌ يَعْنِي بَنِي خُرَاعَةَ وَذَلِكَ أَنَّ قُرَيْشًا  
أَعَانَتْ بَنِي بَكْرٍ عَلَيْهِمْ.

Here breaking oaths connotes that they broke the treaty of udaybiya and supported Banū Bakr against Banū Khuzā'a, while the latter were the allies of the Messenger of Allah ﷺ. Some of the exegetes<sup>2</sup> hold that it means they fought against the allies of the Messenger of Allah ﷺ—Banū Khuzā'a. In this way, they violated the treaty. According to Ibn 'Abbās, al-Suddī and Mujāhid, it refers to Banū Khuzā'a, because the people of Quraysh pitted and supported Banū Bakr against them.<sup>3</sup>

Ibn Kathīr has interpreted this verse in the following manner:

الَّذِينَ هَمُّوا بِإِخْرَاجِ الرَّسُولِ مِنْ مَكَّةَ. ... وَقَوْلُهُ: ﴿وَهُمْ بَدَءُوكُمْ أَوَّلَ  
مَرَّةٍ﴾. قِيلَ: الْمُرَادُ بِذَلِكَ يَوْمَ بَدْرٍ ... وَقِيلَ الْمُرَادُ نَقَضَهُمُ الْعَهْدَ  
وَقَاتَلَهُمْ مَعَ حُلَفَائِهِمْ بَنِي بَكْرٍ لِمُخَارَعَةِ أَحْلَافِ رَسُولِ اللَّهِ ﷺ حَتَّى سَارَ  
إِلَيْهِمْ رَسُولُ اللَّهِ ﷺ عَامَ الْفَتْحِ.

[Regarding the clause] "Those who planned to exile the

<sup>1</sup> Ibid., 9:13.

<sup>2</sup> •Al-Baghawī, *Ma'alim al-tanzīl*, 2:273. •al-Qurṭubī, *al-Jāmi' li aḥkām al-Qur'ān*, 8:55. •Ibn 'ayyān, *al-Baḥr al-muḥīṭ*, 5:17. •Ibn Kathīr, *Tafsīr al-Qur'ān al-'Azīm*, 4:60. •al-Shawkānī, *Fath al-qadīr*, 2:343.

<sup>3</sup> •Al-Wāḥidī, *al-Wasīṭ fī tafsīr al-Qur'ān al-Majīd*, 2:481.



*Messenger of Allah ﷺ from Mecca...*,” in view of some of the exegetes, it refers to the battle of Badr, though others have interpreted it as the breach of the treaty of peace by the polytheists of Mecca with Muslims and the aiding their allies, Banū Bakr, and fighting against the allies of the Messenger of Allah ﷺ, Banū Khuzā'a, until the Messenger of Allah ﷺ marched on Mecca in the year of conquest.<sup>1</sup>

With respect to the Abode of Reconciliation, Imam al-Jaṣṣāṣ has quoted a statement of Muhammad b. al- asan in *Aḥkām al-Qur'ān* (5:83). In it he says that demolishing the places of worship belonging to non-Muslims located in the Muslim majority areas is strictly prohibited, and their security is a constitutional obligation of the Islamic state. Imam Muhammad b. al- asan has said:

فِي أَرْضِ الصُّلْحِ إِذَا صَارَتْ مِصْرًا لِلْمُسْلِمِينَ، لَمْ يُهْدَمْ مَا كَانَ فِيهَا مِنْ  
بَيْعَةٍ أَوْ كَنِيسَةٍ أَوْ بَيْتِ نَارٍ.

When a land under reconciliation becomes a territory of the Muslims, then no church, sanctuary, or Zoroastrian temple that was there before should be demolished.<sup>2</sup>

### 12.2.3 PREFERENCE OF RECONCILIATION AND COMPROMISE FOR THE ESTABLISHMENT OF PEACE

In *sūra al-Anfāl*, the Muslims have been inspired to adopt reconciliation to restore and stabilize peace and security. Allah has ordained:

﴿وَإِنْ جَنَحُوا لِلسَّلَامِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ إِنَّهُ هُوَ السَّمِيعُ  
الْعَلِيمُ﴾ وَإِنْ يُرِيدُوا أَنْ يَخْدَعُوكَ فَإِنَّ حَسْبَكَ اللَّهُ

«And if they (the combatant or hostile disbelievers) incline to peace and reconciliation, you also incline to it and put your trust in Allah. Surely, He alone is All-Hearing, All-Knowing. And if they seek to deceive you, then surely Allah

<sup>1</sup> • Ibn Kathīr, *Tafsīr al-Qur'ān al-Azīm*, 2:340.

<sup>2</sup> • Al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, 5:83.

*is Sufficient for you.* ﴿<sup>1</sup>

Despite all the peace making and reconciliatory actions, if an opponent breaks the treaty and comes out with open enmity, then the treaty can be terminated on the grounds of equality. The Muslims are instructed to be patient, if the opponent does not act against the treaty. In this regard, Allah Most High has said:

﴿وَأَمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ  
الْخَائِنِينَ﴾

*And if you apprehend treachery from a people, then  
throw their promise back to them on the basis of equality.  
Indeed, Allah does not like the treacherous.* ﴿<sup>2</sup>

What could be a better testimony to believe that Islam is a religion of peace, security and reconciliation than the truth to which Allah guided His exalted Messenger ﷺ: to provide asylum to a polytheist if he seeks it? Allah says:

﴿وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلِمَ اللَّهِ ثُمَّ  
أَبْلِغْهُ مَأْمَنَهُ دَٰلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ﴾

*And if any of the idolaters seeks asylum with you, provide  
him with protection until he listens to the Words of Allah.  
Then escort him to his haven. This is because these people  
do not possess the knowledge (of the truth).* ﴿<sup>3</sup>

### 12.3 THE ABODE OF TREATY (DĀR AL-'AHD)

Defining the Abode of Treaty, Shaykh Abū Zahra (1897-1974 CE) writes:

وَهَذِهِ الْبِلَادُ هِيَ الَّتِي كَانَ بَيْنَهَا وَبَيْنَ الْمُسْلِمِينَ عَهْدٌ.

<sup>1</sup> Qur'ān 8:61-62.

<sup>2</sup> Ibid., 8:58.

<sup>3</sup> Ibid., 9:6.

(An Abode of Treaty) refers to those states where Muslims and non-Muslims are bound by a treaty.<sup>1</sup>

Shaykh Abū Zahra speaks about the differences between the two states (the Abode of Islam and the Abode of Reconciliation) with mutual harmony and consent about the conditions of agreement. He opines that the conditions of both states may be different, relative to their respective power and might, or weaknesses and limitations.

فَأَهْلُهَا يَعْقِدُونَ صُلْحًا مَعَ الْحَاكِمِ الْإِسْلَامِيِّ عَلَى شُرُوطٍ تُشْتَرَطُ مِنَ  
الْفَرِيقَيْنِ، وَهَذِهِ الشُّرُوطُ تَخْتَلِفُ قُوَّةً وَضَعْفًا عَلَى حَسَبِ مَا يَتَرَاوَى عَلَيْهِ  
الطَّرَفَانِ، وَعَلَى حَسَبِ هَذِهِ الْقَبَائِلِ وَتِلْكَ الدَّوْلَةِ قُوَّةً وَضَعْفًا، وَعَلَى  
مِقْدَارِ حَاجَتِهَا إِلَى مُنَاصَرَةِ الدَّوْلَةِ الْإِسْلَامِيَّةِ.

The rulers of this territory (combatants) reconcile with the current Islamic state on the conditions determined by the parties (to the conflict). These conditions may differ according to the mutual agreement based on the control and weakness of the tribes and governments, and it may also differ according to the need of support and assistance of the Islamic state.<sup>2</sup>

An Abode of Treaty can also be defined as:

All the non-Islamic states that are in a long-term or permanent peace treaty with the Islamic states, whether or not they enter into the condition of immigration or citizenship, are included in an Abode of Treaty.

It is the firm responsibility of the Islamic state to fulfil all the terms and conditions of the treaty.

### 12.3.1 QUR'ANIC INJUNCTION TO FULFIL AGREEMENTS WITH AN ABODE OF TREATY

Allah Most High commanded Muslims to complete the terms of the

<sup>1</sup> •Abū Zuhra, *al-ʿAlāqāt al-duwaliyya fī al-Islām*, p. 58.

<sup>2</sup> Ibid., p. 59.



treaties with the tribes of the disbelievers who did not break the treaty and did not rebel against the state of Medina. In *sūra al-Tawba*, Allah Most High said:

﴿إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوكُمْ شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا فَأَتِمُوا إِلَيْهِمْ عَهْدَهُمْ إِلَىٰ مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ﴾

*Except those idolaters with whom you made an agreement, who then did not show any latitude (in executing the treaty) and who did not support (or reinforce) anyone against you. So fulfil the treaty with them till the end of the term. Surely, Allah loves those who fear Him.*<sup>1</sup>

In the commentary on the above verse, Imam al-Wāḥidī has said:

قَوْلُهُ ﴿إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ﴾ قَالَ الْمُفَسِّرُونَ: اسْتَشْنَى اللَّهُ طَائِفَةً وَهُمْ بَنُو ضَمْرَةَ هِيَ مِنْ كِنَانَةَ أَمَرَ النَّبِيُّ ﷺ بِإِتْمَامِ عَهْدِهِمْ، وَكَانَ قَدْ بَقِيَ لَهُمْ مِنْ مُدَّةِ عَهْدِهِمْ تِسْعَةُ أَشْهُرٍ وَقَوْلُهُ: ﴿لَمْ يَنْقُصُوكُمْ شَيْئًا﴾ أَيُّ مِنْ شُرُوطِ الْعَهْدِ ﴿وَلَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا﴾ لَمْ يُعَاوَنُوا عَلَيْكُمْ عَدُوًّا ﴿فَأَتِمُوا إِلَيْهِمْ عَهْدَهُمْ إِلَىٰ مُدَّتِهِمْ﴾ أَيُّ إِلَىٰ انْقِضَاءِ مُدَّتِهِمْ.

About the words of Allah Most High: *Except those idolaters with whom you made an agreement*, the interpreters said: "Allah has given an exception to a group named Banū Ḍamra, a tribe of Banū Kināna. The Messenger of Allah ﷺ gave instructions to complete the term of the agreement with them, as there were nine months left till the end the term. Then Allah Most High said: *Who then did not show any latitude* in executing the treaty, which refers to the conditions of the treaty *and who did not support (or reinforce) anyone against you* and they did not help your enemies, *So fulfil the treaty with them till the end of the*

<sup>1</sup> Qur'an 9:4.

term, that is, until the period of agreement ends.”<sup>1</sup>

Later, in another verse of *sūra al-Tawba*, Allah Most High ordered the Muslim state to complete the term of the treaty signed with the non-Muslim states. The Qur’ān reveals:

﴿كَيْفَ يَكُونُ لِلْمُشْرِكِينَ عَهْدٌ عِنْدَ اللَّهِ وَعِنْدَ رَسُولِهِ إِلَّا الَّذِينَ  
عَاهَدْتُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ فَمَا اسْتَقْلَمُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ  
يُحِبُّ الْمُتَّقِينَ﴾

*﴿(How) can there be a promise for the polytheists with Allah and His Messenger (ﷺ) except for those with whom you have made a treaty near the Sacred Mosque (at al-Hudaybiya)? So as long as they remain true to (the treaty with) you, remain true to them. Surely, Allah loves those who fear Him.﴾*<sup>2</sup>

This is an ample proof of the veracity of the Dīn [religion] of Islam as a religion of peace and security. The people of Medina were not allowed to use force and take up arms against the people of Mecca until the Meccans themselves breached their promise on the treaty of udaybiya and attacked and killed the allies of the state of Medina.

A study of the biography of Allah’s Messenger (ﷺ) will unfold that he concluded two kinds of treaties with non-Muslim communities.

1. A Temporary or Long-Term Treaty.
2. A General Treaty.

### 12.3.1.1 A TEMPORARY OR LONG-TERM TREATY

The best example of a temporary treaty or a long-term treaty was the pact of udaybiya, which came into effect in the sixth year after migration to Medina, between the state of Medina and the pagans of Mecca. This peace treaty laid aside war for ten years between these two states. In this way, both states were tied to the treaty of peace and the state of war was suspended.

<sup>1</sup> •Al-Wāḥidī, *al-Wasīṭ fī tafsīr al-Kitāb al-‘Azīz*, 2:479.

<sup>2</sup> Qur’ān, 9:7.

1. Imam al-Shāfi'ī (150–204 AH) has described the duration of the temporary or long-term treaty of ʿUdaybiya:

كَانَتْ الْهُدْنَةُ بَيْنَهُ وَبَيْنَهُمْ عَشْرَ سِنِينَ.

The treaty of ʿUdaybiya between him (Allah's Messenger ﷺ) and the people of Mecca was for ten years.<sup>1</sup>

Abū Dāwūd has reported in *al-Sunan*

أَتَاهُمْ اضْطَلَحُوا عَلَى وَضْعِ الْحَرْبِ عَشْرَ سِنِينَ يَأْمَنُ فِيهِنَّ النَّاسُ وَعَلَى أَنْ يَبْنُوا عَيْبَةً مَكْفُوفَةً وَأَنْهُ لَا إِسْلَالٌ وَلَا إِغْلَالٌ.

"They (the Quraysh) reconciled that they will observe the truce and honour a ten-year no-war pact. People will reside in peace during that period, and no differences and spite will load the hearts of both the parties, and they will neither backbite each other nor express any malice face to face."<sup>2</sup>

2. Ibn al-Qayyim al-Jawzī, in his book *Zād al-ma'ād fī ḥady Khayr al-'Ibād* (3:299), has expressed his views about this treaty between the Muslims of Medina and the people of Mecca. He said:

وَجَرَى الصُّلْحُ بَيْنَ الْمُسْلِمِينَ وَأَهْلِ مَكَّةَ عَلَى وَضْعِ الْحَرْبِ عَشْرَ سِنِينَ.

The truce between the Muslims and the people of Mecca was to be in effect for ten years.

In the light of this treaty, the state of Medina was considered an Abode of Islam, and the State of Mecca was considered an Abode of Treaty. The state of Medina conformed to the treaty, until the people of Quraysh themselves breached it.

3. Imam 'Abd al-Malik b. Hishām (d. 218 AH), on the authority of Ibn Ishāq (d. 150 AH), reported the details of the violation of the treaty of

<sup>1</sup> •Al-Shāfi'ī, *al-Umm*, 4:189. •al-Bayhaqī in *al-Sunan al-kubrā*, 9:221.

<sup>2</sup> •Abū Dāwūd, *al-Sunan*, 3:86 §2766



udaybiya:

فَلَمَّا تَظَاهَرْتَ بَنُو بَكْرٍ وَقُرَيْشٌ عَلَى خُرَاعَةٍ، وَأَصَابُوا مِنْهُمْ مَا أَصَابُوا،  
وَنَقَضُوا مَا كَانَ بَيْنَهُمْ وَبَيْنَ رَسُولِ اللَّهِ ﷺ مِنَ الْعَهْدِ وَالْمِيثَاقِ بِمَا  
اسْتَحْلَوْا مِنْ خُرَاعَةٍ، وَكَانُوا فِي عَقْدِهِ وَعَهْدِهِ.

Banū Bakr (allies of the polytheists of Mecca) and Quraysh attacked Khuzā'a (the allies of the Messenger of Allah ﷺ) and inflicted on them suffering and killings, breaching the treaty which was between them and the Messenger of Allah ﷺ.<sup>1</sup>

4. Imam Abū Ja'far b. Jarīr al-Ṭabarī (224–310 AH), in his commentary *Tafsīr Jāmi' al-bayān fī tafsīr al-Qur'ān* (10:82), also cited the violation of the treaty of Udaybiya by the polytheists of Mecca. He said: "The people of Mecca did not stick to the treaty and breached it by pitting and supporting Banū Bakr (the allies of Quraysh) against the allies of the Messenger of Allah ﷺ (Banū Khuzā'a)."

5. Imam Abū Ḥasan 'Alī b. Aḥmad al-Wāḥidī (d. 468 AH) said about the treachery of the polytheists and their violation of the truce in his commentary on the verse of *sūra al-Tawba*:

﴿وَتَأْتِي قُلُوبُهُمْ﴾ الْوَفَاءَ بِهِ ﴿وَأَكْثَرُهُمْ فَسِيقُونَ﴾ غَادِرُونَ نَاقِضُونَ  
لِلْعَهْدِ.

﴿Their hearts abstain﴾ from maintaining the treaty, ﴿and the majority of them are corrupt﴾, that is, traitorous and betrayers of the treaty.<sup>2</sup>

### 12.3.1.2 THE GENERAL TREATY OF PEACE AND RECONCILIATION

#### 12.3.1.2.1 THE PACT OF MEDINA

Here are some of the articles of the pact of Medina. They highlight

<sup>1</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 5:48.

<sup>2</sup> •Al-Wāḥidī, *al-Wasīṭ fī tafsīr al-Kitāb al-'Azīz*, 1:454–455.

some distinctive features of the first written constitution of humanity.

1. Weaving unity amongst all the communities of Medina at the state level, Allah's Messenger ﷺ said:

إِنَّهُمْ أُمَّةٌ وَاحِدَةٌ مِنْ دُونِ النَّاسِ.

"These communities shall be as one unified [constitutional and political] body, distinct from (other) people."<sup>1</sup>

2. Establishing a separate political identity and brotherhood for Muslims, the Prophet ﷺ said:

وَأَنَّ الْمُؤْمِنِينَ بَعْضُهُمْ مَوَالِي بَعْضٍ دُونَ النَّاسِ.

"As compared to other communities, all believers are brothers to one another."<sup>2</sup>

3. Providing the guarantee of equity, equality, security, justice and support to the Jews who entered into the pact and accepted the writ of the state of Medina, Allah's Messenger ﷺ said:

مَنْ تَبِعَنَا مِنْ يَهُودٍ فَإِنَّ لَهُ النَّصْرَ وَالْأُسُوءَةَ غَيْرَ مَظْلُومِينَ وَلَا مُتَنَاصِرِينَ عَلَيْهِمْ.

"The Jews who obey our rule shall be given assistance and equality. They shall not be wronged, nor will anyone be supported against them."<sup>3</sup>

4. In the first article of the pact of Medina, Muslims are regarded as the allies of the Jews. In article twenty-eight, the Jews and other non-Muslims are given a separate identity along with religious freedom. The Messenger of Allah ﷺ clarified:

<sup>1</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 3:32. •Ibn Kathīr, *al-Bidāya wa al-nihāya*, 3:224.

<sup>2</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 3:33. •Ibn Kathīr, *al-Bidāya wa al-nihāya*, 3:225.

<sup>3</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 3:33. •Ibn Kathīr, *al-Bidāya wa al-nihāya*, 3:225.

إِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مَعَ الْمُؤْمِنِينَ، لِلْيَهُودِ دِينُهُمْ وَلِلْمُسْلِمِينَ دِينُهُمْ  
مَوَالِيَهُمْ وَأَنْفُسُهُمْ، إِلَّا مَنْ ظَلَمَ أَوْ أَثِمَ فَإِنَّهُ لَا يُوتَغُ إِلَّا نَفْسُهُ وَأَهْلُ بَيْتِهِ.

“The Jews of Banū ‘Awf (non-Muslim minorities) shall be considered a single political unity with the believers. As for Jews, they have their religion (*dīn*), and as for Muslims, they have their Religion (*Dīn*). And he who commits wrongdoing or sins will not harm anyone else other than himself and his family.”<sup>1</sup>

### 12.3.1.2.2 DEVELOPING POLITICAL UNITY TO STABILIZE THE STATE AND ESTABLISH PEACE

The Messenger of Allah ﷺ clarified:

لَا فَضْلَ لِعَرَبِيٍّ عَلَى أَعْجَمِيٍّ وَلَا لِعَجَمِيٍّ عَلَى عَرَبِيٍّ وَلَا لِأَحْمَرَ عَلَى أَسْوَدَ  
وَلَا أَسْوَدَ عَلَى أَحْمَرَ إِلَّا بِالتَّقْوَى

“An Arab has no superiority over a non-Arab, nor does a non-Arab has any superiority over an Arab. A white has no superiority over a black, and a black has no superiority over a white. The standard of superiority is piety (*taqwā*) alone.”<sup>2</sup>

Describing the sociopolitical freedom of all groups and the nature of their relations with Muslims, the Messenger of Allah ﷺ said:

وَكُلُّ طَائِفَةٍ تَقْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.

“Every group shall pay the penalty equally and justly and free their prisoners from the custody of Muslims.”<sup>3</sup>

<sup>1</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 3:34. •Ibn Kathīr, *al-Bidāya wa al-nihāya*, 3:225.

<sup>2</sup> Set forth by •Aḥmad b. anbal in *al-Musnad*, 5:411 §23536. •al-Ṭabarānī in *al-Muʿjam al-awsaṭ*, 5:86 §4749. •al-Bayhaqī in *Shuʿab al-īmān*, 4:289 §5137.

<sup>3</sup> Cited by •Ibn Hishām in *al-Sīra al-Nabawiyya*, 2:501. •al-Bayhaqī in *al-Sunan al-kubrā*, 8:106 §16147–16148. •Ibn Kathīr in *al-Bidāya wa al-nihāya*, 3:224. •Dr Hamīd Ullāh in *al-Wathāʾiq al-siyāsīyya*, p. 41.



### 12.3.1.2.3 ALLAH'S MESSENGER ﷺ IS THE FOUNDER OF THE CONCEPT OF INTEGRATION

The Messenger of Allah ﷺ united all the communal groups into a single community despite their religious, linguistic, and racial differences, and became the founder of the concept of integration—the sole means of remedying the socio-civilizational and cultural conflicts and enigmas devouring the modern world.

Today we are engaged in a marathon struggle at global level to win religious, social, cultural and economic freedoms for every class and community of human society. The Messenger of Islam, however, bestowed upon humanity these freedoms, especially the religious freedom—not only for the Jews but all the tribes and ethnic entities more than fourteen centuries ago. He ﷺ proclaimed:

إِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مَعَ الْمُؤْمِنِينَ.

“The Jews of Banū ‘Awf—non-Muslim citizens—shall be considered a single political unity with the believers.”<sup>1</sup>

Thus he knitted them into a single community along with the Muslims.

### 12.3.1.2.4 THE PACT OF NAJRĀN

Allah's Messenger ﷺ had guaranteed the security of the lives and properties of the people of Najrān. The instrument of protection was an agreement concluded between the Messenger of Allah ﷺ and the Christians of Abyssinia. This agreement, the pact of Najrān brought about in the Prophet's period, is a concrete and practical evidence of his protection of human rights—especially the right of religious freedom and security. In that regard, the Messenger of Allah ﷺ issued this guarantee:

وَلِنَجْرَانَ وَحَاشِيَتِهَا ذِمَّةُ اللَّهِ وَذِمَّةُ مُحَمَّدٍ النَّبِيِّ رَسُولِ اللَّهِ، عَلَى دِمَائِهِمْ  
وَأَنْفُسِهِمْ وَأَرْضِهِمْ وَأَمْوَالِهِمْ وَمِلَّتِهِمْ وَرَهْبَانِيَّتِهِمْ وَأَسَاقِفَتِهِمْ وَغَائِبِهِمْ

<sup>1</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 3:34.

وَشَاهِدِهِمْ وَغَيْرِهِمْ وَبَعْنِهِمْ وَأَمْثَلِهِمْ، لَا يُغَيَّرُ مَا كَانُوا عَلَيْهِ، وَلَا يُغَيَّرُ  
حَقٌّ مِنْ حُقُوقِهِمْ وَأَمْثَلِهِمْ، لَا يُفْتَنُ أُسْقُفٌ مِنْ أُسْقُفِيَّتِهِ، وَلَا رَاهِبٌ مِنْ  
رَهْبَانِيَّتِهِ، وَلَا وَاَقِفٌ مِنْ وَقَافِيَّتِهِ، عَلَى مَا تَحْتَ أَيْدِيهِمْ مِنْ قَلِيلٍ أَوْ كَثِيرٍ،  
وَلَيْسَ عَلَيْهِمْ رَهْقٌ.

“Indeed, Najrān and her allies are under the guarantee of Allah and the guarantee of the Messenger of Allāh ﷺ. They are to be protected in their blood, lives, lands, wealth, religion, monks and priests, those who are present amongst them and those who are absent, their animals and caravans, and their places of worship. They should not be forced to change their religion. There will be no change in their rights and the rights of their places of worship. No priest or monk, and no leader or servant of places of worship shall be removed from their places or possessions, be they plentiful or scarce, and no one should suffer fear or danger.”<sup>1</sup>

The Messenger of Allah ﷺ awarded a constitutional and legal status to the security of people in treaty through his covenants, treaties and commandments.<sup>2</sup>

These details clarify that it is not permissible to declare non-Muslim states as Abodes of War when they are under treaties and agreements of peace and reconciliation. On the contrary, they fall into the category of the Abodes of Treaty. Therefore, those who revolt, rebel and murder, and breach the treaty with the Abode of Treaty are declared misguided and evicted from the pale of Islam. The Prophet ﷺ said: “They are not from me.” He removed them from his *Umma*. Abū Hurayra رضي الله عنه related that Allah’s Messenger ﷺ warned against the masterminds and instigators of turmoil, saying:

<sup>1</sup> Cited by •Ibn Sa’d in *al-Tabaqāt al-kubrā*, 1:288, 358. •Abū Yūsuf in *al-Kharāj*, 78. •Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 244–245 §503. •Ibn Zanjawayh in *Kitāb al-amwāl*, pp. 449–450 §732. •al-Balādhurī in *Futūḥ al-buldān*, p. 90.

<sup>2</sup> Cited by •Ibn Zanjawayh in *Kitāb al-amwāl*, pp. 450–451 §732.

مَنْ خَرَجَ مِنَ الطَّاعَةِ وَفَارَقَ الْجَمَاعَةَ قَمَاتَ، مَاتَ مِيتَةً جَاهِلِيَّةً، وَمَنْ قَاتَلَ تَحْتَ رَايَةٍ عَمِيَّةٍ يَغْضِبُ لِعَصْبَةٍ أَوْ يَدْعُو إِلَى عَصْبَةٍ أَوْ يَنْصُرُ عَصْبَةً فَقَتِلَ فَقِتْلَةً جَاهِلِيَّةً، وَمَنْ خَرَجَ عَلَى أُمَّتِي يَضْرِبُ بَرَّهَا وَفَاجِرَهَا وَلَا يَتَحَاشَى مِنْ مُؤْمِنِهَا وَلَا يَفِي لِذِي عَهْدٍ عَهْدَهُ فَلَيْسَ مِنِّي وَلَسْتُ مِنْهُ.

“Whoever rebels against the writ of the Muslim state [and challenges its authority] and separates himself from the community [*jamā'a*] and then dies, he dies the death of one in a state of *jāhiliyya* [pre-Islamic time of ignorance]. And whoever fights under a blind banner, becomes angry for the sake of ignorant bigotry, calls to ignorant bigotry and gives support to blind bigotry and is then killed, his death is one of *jāhiliyya*. And whoever secedes from my nation [and rebels against the state, raising legions and troops], killing its righteous and sinful members and feels no compunction [in killing] its believers and does not fulfil the oath of the one from whom an oath is taken, then he is not from me and I am not from him.”<sup>1</sup>

The hadith of the Messenger of Allah ﷺ clearly mentions that the one who violently rebels against an Abode of Treaty does not belong to the *Umma*.

## 12.4 THE ABODE OF PEACE (*DĀR AL-AMN*)

Against the backdrop of the modern era, we can describe an Abode of Peace in the following way:

The Abode of Peace includes those non-Islamic states that never behaved aggressively or engage in combat or military actions against the Muslim state. They are neither enemies, nor has any treaty of peace been concluded with them, nor

<sup>1</sup> Set forth by •Muslim in *al-Ṣaḥīḥ: Kitāb al-imāra* [The Book of Leadership], chapter: “The Obligation to Stick to the Main Body of the Muslims in the Time of Trials,” 3:1476–1477 §1848. •Aḥmad b. Ḥanbal in *al-Musnad*, 2:296, 488. •al-Nasā'ī in *al-Sunan: Kitāb taḥrīm al-dam* [The Book on the Prohibition of Bloodshed], 7:123 §4114.



did any such situation arise to work out any agreement—such are the countries that fall into the category of Abode of Peace.

It must be borne in mind that an Abode of War is the state engaged in war with another state. The rest of the states are Abodes of Treaty and Abodes of Peace through the treaty of peace of the United Nations; they are not Abodes of War. In modern times, by virtue of the United Nations, all countries, including the United States of America, Great Britain, and other non-Muslim countries, are the Abodes of Treaty and the Abodes of Peace.

#### 12.4.1 THE HANAFĪ STANCE ON THE ABODE OF ISLAM

The anafī jurists have figuratively regarded all those non-Islamic combating or non-combating states as the Abodes of Islam where the Muslims are allowed to openly practise the signs and rituals of Islam. In their view, any non-Muslim country becomes an Abode of Islam when Islamic rules are openly practised.

In the view of Imam Abū anīfa, an Abode of Islam does not mean the territory where Muslims dwell; nor does an Abode of Disbelief indicate a country where disbelievers abide. In view of the Hanafis, the annexation of *dār* (abode) with *Islām* and *kufr* does not connote Islam or *kufr*; it rather refers to peace and fear. The rules will be applied on the basis of peace and fear and will not be premised on Islam and *kufr*. In this connection, see once again the statement of Imam al-Kāsānī that has appeared in *Badā'ī' al-ṣanā'ī'* already quoted in the preceding pages:

وَجْهٌ قَوْلِ أَبِي حَنِيفَةَ أَنَّ الْمَقْصُودَ مِنْ إِضَافَةِ الدَّارِ إِلَى الْإِسْلَامِ وَالْكَفْرِ  
لَيْسَ هُوَ عَيْنَ الْإِسْلَامِ وَالْكَفْرِ، وَإِنَّمَا الْمَقْصُودُ هُوَ الْأَمْنُ وَالْخَوْفُ.

The rationale of the statement of Imam Abū anīfa's is that the annexation of '*dār*' (abode) with *Islām* and *kufr* is not because of Islam or *kufr per se*. Its implied intent is peace and fear. The Abode of Islam denotes an Abode of Peace and the Abode of Disbelief signifies an Abode of Terror.<sup>1</sup>

According to the great Imam Abū anīfa, the Abode of Islam and

<sup>1</sup> •Al-Kāsānī, *Badā'ī' al-ṣanā'ī'*, 7:131.

the Abode of Disbelief do not imply the religion Islam and its denial i.e., *kufr*. They rather connote that any state where there is security for Muslims is regarded as an Abode of Islam, and any state where there is no guarantee of peace and protection for the Muslims or non-Muslims is deemed an Abode of Disbelief. They are not distinguished on the basis of religion. Instead, they are based on peace, security, protection and freedom that have been provided to or withdrawn from them.

The great Imam said:

وَالْأَحْكَامُ مَبْنِيَّةٌ عَلَى الْأَمَانِ وَالْخَوْفِ لَا عَلَى الْإِسْلَامِ وَالْكَفْرِ.

The rulings (concerning the classification of the abodes) are based on security and fear—not Islam and *kufr* (disbelief).<sup>1</sup>

Taking into account the situations of security and fear is of greater concern. So long as the Muslims are not in need of seeking security, and peace and security already provided endures, the land does not become *dār al-kufr*.

Here are some expositions propounded by the *anafī* jurists on this subject.

1. Imam ‘Alā’ al-Dīn al-Kāsānī al-*anafī* (d. 587 AH) declares a non-Muslim country an Abode of Islam on the basis of the manifestation of Islamic rules through implementation (freedom to practise the teachings and rituals of Islam). He writes:

فَنَقُولُ لَا خِلَافَ بَيْنَ أَصْحَابِنَا فِي أَنَّ دَارَ الْكُفْرِ تَصِيرُ دَارَ إِسْلَامٍ بِظُهُورِ  
أَحْكَامِ الْإِسْلَامِ فِيهَا.

We (unanimously) proclaim—and there is no difference on this matter among us—that any non-Muslim state becomes an Abode of Islam when Islamic rules and injunctions appear (as freely practised).<sup>2</sup>

2. ‘Alā’ al-Dīn al-Ḥaṣḥakafī (d. 1088 AH) has given his viewpoint in *al-Durr al-mukhtār fī sharḥ tanwīr al-abṣār* (4:175):

<sup>1</sup> Ibid.

<sup>2</sup> Ibid.

دَارُ الْحَرْبِ تَصِيرُ دَارَ الْإِسْلَامِ بِإِجْرَاءِ أَحْكَامِ أَهْلِ الْإِسْلَامِ فِيهَا كَجُمُعَةٍ  
وَعِيدٍ، وَإِنْ بَقِيَ فِيهَا كَافِرٌ أَصْلِيٌّ وَإِنْ لَمْ تَنْصَلِ بِدَارِ الْإِسْلَامِ.

If Islamic pillars enter into practice, like offering the Friday ritual prayer and the 'īd ritual prayers in any non-Muslim Abode of War, that state becomes an Abode of Islam, though the majority of residents may be non-Muslims and it may not border an Islamic state.

3. The same definition is given by 'Abd al-Raḥmān b. Shaykh Muḥammad b. Sulaymān, generally known as Shaykh Zādah (d. 1078 AH), in *Majma' al-anhur fī sharḥ Multaqā al-abhur* (2:455).

4. In the backdrop of the current scenario, Shaykh Abū Zahra has also mentioned this point of view in his *al-'Alāqāt al-duwaliyya fī al-Islām*. According to him, in modern times the whole world has united under one international system. Practising this particular universal law is, in fact, congruous with the Islamic principle of the fulfillment of a treaty. Therefore, from the beginning, all non-Islamic member countries of the United Nations will not be included among the Abodes of War. They will rather fall into the category of the Abode of Treaty, except for the state that is directly at war with a Muslim country. He writes:

إِنَّهُ يَجِبُ أَنْ يُلَاحَظَ أَنَّ الْعَالَمَ الْآنَ تَجْمَعُهُ مُنَظَّمَةٌ وَاحِدَةٌ قَدْ التَزَمَ كُلُّ  
أَعْضَائِهَا بِقَانُونِهَا وَنَظْمِهَا، وَحُكْمِ الْإِسْلَامِ فِي هَذِهِ: أَنَّهُ يَجِبُ الْوَفَاءُ بِكُلِّ  
الْعُهُودِ وَالْإِلْتِزَامَاتِ الَّتِي تَلْتَزِمُهَا الدُّوَلُ الْإِسْلَامِيَّةُ عَمَلًا بِقَانُونِ الْوَفَاءِ  
بِالْعَهْدِ الَّذِي قَرَّرَهُ الْقُرْآنُ الْكَرِيمُ، وَعَلَى ذَلِكَ لَا تُعَدُّ دِيَارُ الْمُخَالِفِينَ  
الَّتِي تَنْتَوِي لِهَذِهِ الْمَوْسَسَةِ الْعَالَمِيَّةِ دَارَ حَرْبٍ ابْتِدَاءً، بَلْ تُعْتَبَرُ دَارَ  
عَهْدٍ.

It is necessary to be aware of the fact that the whole world has been collected under a global system and all its members are under obligation to uphold its rule of law and observe its discipline in letter and spirit. The dictate



of Islam under this collective and unified system is that the covenants, agreements and restrictions to which the Islamic countries have committed themselves must be fulfilled. The implementation and execution of this law amounts to the fulfilment of the covenant that the Qur'ān has ordained us to implement, for which they have bound themselves with treaties and restrictions. Under these conditions, all non-Muslim countries that are members of the UN cannot be included among the Abodes of War. They rather fall into the category of the Abode of Treaty.<sup>1</sup>

He has expressed this opinion in the light of the following verse of the Holy Qur'ān:

﴿إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوكُمْ شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا فَأَتِمُوا إِلَيْهِمْ عَهْدَهُمْ إِلَىٰ مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ﴾

*Except those idolaters with whom you made an agreement, who then did not show any latitude (in executing the treaty) and who did not support (or reinforce) anyone against you. So fulfil the treaty with them till the end of the term. Surely, Allah loves those who fear Him.*<sup>2</sup>

Today, we have so deeply mired ourselves into ignorance that we have deformed our basic Islamic beliefs and are unable to recognize what the Qur'ān has ordered us to practise. We miserably lack Islamic knowledge. The great jurists do not feel any hesitation in calling a non-Muslim state an Abode of Islam on very insignificant conditions. Opposite to them are a small number of terrorists who, owing to a dearth of wisdom, intellect and insight into Islamic law, issue verdicts allowing bloodshed and terrorism in the same countries. If the Western countries like the US, Great Britain, France and others are declared Abodes of War instead of Abodes of Treaty or Abodes of Peace, it will become impermissible for the Muslims to live there anymore, and,

<sup>1</sup> •Abū Zuhra, *al-ʿAlāqāt al-duwaliyya fī al-Islām*, p. 60.

<sup>2</sup> Qur'ān 9:4.

under the Islamic Law (Shariah), they will have to migrate from these countries.

### 12.5 THE ABODE OF WAR (*DĀR AL- ARB*)

It is an exceptional case for a non-Muslim state to be an Abode of War. We have already explained that an Abode of War is the country that is at war with a Muslim state. Apart from that, all other countries are Abodes of Peace and Abodes of Treaty, through their international treaty of peace with the United Nations.

Describing the definition of the Abode of War by the Shāfi'ī school of thought, Sa'dī Abū abīb writes:

دَارُ الْحَرْبِ عِنْدَ الشَّافِعِيِّ: بِلَادُ الْكُفَّارِ الَّذِينَ لَا صُلْحَ لَهُمْ مَعَ  
الْمُسْلِمِينَ.

The Abode of War, according to the Shāfi'ī jurists, refers to the non-Muslim countries that are not at peace with the Muslim (countries, but, are at war with them).<sup>1</sup>

### 12.5.1 THE ISLAMIC RULING FOR THE NON-COMBATANTS

Islam does not allow the killing of the non-combatants even during war. It condemns the unjust killings under all circumstances.

Imam Muslim has reported on the authority of Abū Hurayra رضي الله عنه that, granting general asylum to the non-combatants, Allah's Messenger ﷺ said on the day of the conquest of Mecca:

مَنْ دَخَلَ دَارَ أَبِي سُفْيَانَ فَهُوَ آمِنٌ، وَمَنْ أَلْقَى السَّلَاحَ فَهُوَ آمِنٌ، وَمَنْ  
أَغْلَقَ بَابَهُ فَهُوَ آمِنٌ.

"He who enters the house of Abū Sufyān is safe; he who lays down his weapon is safe; and he who closes the doors of his house is also safe."<sup>2</sup>

<sup>1</sup> •Sa'dī Abū abīb, *al-Qāmūs al-fiqhī*, p. 84.

<sup>2</sup> Set forth by •Muslim in *al-Shahīḥ*, 3:1407 §1780. •Abū Dāwūd in *al-Sunan*, 3:162 §3021. •al-Bazzār in *al-Musnad*, 4:122 §1292.

### 12.5.2 THE QUR'ANIC INJUNCTION ON EXCELLENT MORALITY WITH NON-COMBATANTS

Great emphasis has been laid in the Qur'ān and hadith on showing character towards non-combatants and treating them with piety and kindness. Allah has ordained in the Qur'ān:

﴿لَا يَنْهَىكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ﴾<sup>1</sup>  
 إِنَّمَا يَنْهَىكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُم مِّن دِيَارِكُمْ وَظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَن تَوَلَّوهُمْ وَمَن يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

«Allah does not forbid you to be good to them and treat them with equity and justice who did not fight against you on (the question of) Dīn (Religion), nor did they drive you out of your homes (i.e., homeland). Surely, Allah likes those who conduct themselves with equity and justice. Allah only forbids you to befriend those who fought against you on (account of) the Dīn (Religion) and drove you out of your homes (i.e., homeland) and aided (your enemies) in expelling you. And whoever makes friends with them, it is they who are the wrongdoers.»<sup>1</sup>

I. Ibn al-Jawzī (510–579 AH) has written in his commentary on the said verse:

قَالَ الْمُفَسِّرُونَ: هَذِهِ الْآيَةُ رُخْصَةٌ فِي صَلَهِ الَّذِينَ لَمْ يَنْصَبُوا الْحَرْبَ لِلْمُسْلِمِينَ وَجَوَازُ بَرِّهِمْ وَإِنْ كَانَتْ الْمَوَالَاةُ مُنْقَطِعَةً مِنْهُمْ.

According to the exegetes, this holy verse of the Qur'ān concedes us leave, excuse and justification to be gentle and nice towards those who are not involved in fighting against

<sup>1</sup> Qur'ān 60:8–9.



the Muslims, even though they have already breached the alliance.<sup>1</sup>

2. In his commentary on this verse, Imam al-Qurṭubī (284–380 AH) writes:

هَذِهِ الْآيَةُ رُخْصَةٌ مِنَ اللَّهِ تَعَالَى فِي صِلَةِ الَّذِينَ لَمْ يُعَادُوا الْمُؤْمِنِينَ وَلَمْ يُقَاتِلُوهُمْ.

This verse provides a concession to treat with excellence those who neither feel hostility nor wage combat against the Muslims.<sup>2</sup>

3. Ibn Kathīr writes while interpreting this verse:

أَيُّ لَا يَنْهَاكُمْ عَنِ الْإِحْسَانِ إِلَى الْكَفَرَةِ الَّذِينَ لَا يُقَاتِلُونَكُمْ فِي الدِّينِ وَلَمْ يُظَاهِرُوا أَيْ يُعَاوَنُوا عَلَى إِخْرَاجِكُمْ كَالنِّسَاءِ وَالضَّعْفَةِ مِنْهُمْ.

Allah does not prohibit you from being good to those non-Muslims who do not fight against you because of your *Dīn* (Religion), nor do they help others in expelling your women and elderly persons from their country.<sup>3</sup>

### 12.5.3 THE AFFECTIONATE BEHAVIOUR OF MEDINA TOWARDS NON-COMBATANTS

To facilitate a better understanding of this subject, it is worthwhile to narrate an episode from the holy life of the exalted Messenger of Allah ﷺ. In the days when the Messenger of Allah ﷺ was the head of the state in Medina, Mecca was an Abode of Treaty. Through his munificence, largesse, mercy and benevolence, the Messenger of Allah ﷺ turned the callous breasts of the Meccans into loving hearts.

1. The famous historian al-Yaʿqūbī (d. 274 AH) writes:

<sup>1</sup> •Ibn al-Jawzī, *Zād al-masīr*, 8:237.

<sup>2</sup> •Al-Qurṭubī, *al-Jāmiʿ li aḥkām al-Qurʾān*, 18:59.

<sup>3</sup> •Ibn Kathīr, *Tafsīr al-Qurʾān al-Aẓīm*, 4:350.

فَبَعَثَ إِلَيْهِمْ بِشَعِيرِ ذَهَبٍ وَقِيلَ نَوَى ذَهَبٍ مَعَ عَمْرٍو بْنِ أُمَيَّةَ الضَّمْرِيِّ وَأَمْرَهُ أَنْ يَدْفَعَهُ إِلَى أَبِي سُفْيَانَ بْنِ حَرْبٍ وَصَفْوَانَ بْنِ أُمَيَّةَ بْنِ خَلْفٍ وَسَهْلٍ بْنِ عَمْرٍو وَيُفَرِّقَهُ ثَلَاثًا ثَلَاثًا. فَاِمْتَنَعَ صَفْوَانُ بْنُ أُمَيَّةَ وَسَهْلُ بْنُ عَمْرٍو مِنْ أَخْذِهِ، وَأَخَذَهُ أَبُو سُفْيَانَ كُلَّهُ وَفَرَّقَهُ عَلَى فَقَرَاءِ قُرَيْشٍ.

The Prophet ﷺ sent them (the disbelievers of Mecca) lumps (pieces) of gold through ‘Amr b. Umayya al-Ḍamrī and ordered him to hand all of the wealth to Abū Sufyān b. ‘arb, Ṣafwān b. Umayya b. Khalf and Sahl b. ‘Amr, giving a one-third share to each. When Ṣafwān b. Umayya and Sahl b. ‘Amr refused to accept it, Abū Sufyān distributed the whole wealth amongst the indigent of the Quraysh.<sup>1</sup>

2. The eminent authority, Imam Muhammad b. Aḥmad al-Sarakhsī has narrated this event in these words:

بَعَثَ رَسُولُ اللَّهِ ﷺ خَمْسَ مِائَةِ دِينَارٍ إِلَى مَكَّةَ حِينَ فُحِطُوا، وَأَمَرَ بِدَفْعِ ذَلِكَ إِلَى أَبِي سُفْيَانَ بْنِ حَرْبٍ وَصَفْوَانَ بْنِ أُمَيَّةَ؛ لِيُفَرِّقَا عَلَى فَقَرَاءِ أَهْلِ مَكَّةَ. فَقَبِلَ ذَلِكَ أَبُو سُفْيَانَ، وَأَبَى صَفْوَانُ.

When Mecca was struck by drought, the Messenger of Allah sent 500 dinars to Mecca with the instruction to hand this wealth to Abū Sufyān b. ‘arb and Ṣafwān b. Umayya so that they both distribute it amongst the destitute of Mecca. Abū Sufyān accepted it while Ṣafwān refused.”<sup>2</sup>

Such was the conduct of Allah’s Messenger ﷺ, the first head of the first Islamic state, towards his sworn enemies. He helped the peaceful civilian population of non-Muslims financially and supported them in the time of drought.

<sup>1</sup> • Al-Yā‘qūbī, *al-Tārīkh*, 2:56.

<sup>2</sup> • Al-Sarakhsī, *Sharḥ Kitāb al-siyar al-kabīr*, 1:70.

### 12.5.4 THE STAND OF THE IMAMS AND HADITH-SCHOLARS ON NON-COMBATANTS

1. In his *Aḥkām ahl al-dhimma* (1:165), Ibn al-Qayyim al-ʿanbalī said about the conduct of the Prophet's Companions ﷺ towards non-combatants:

فَإِنَّ أَصْحَابَ النَّبِيِّ ﷺ لَمْ يَقْتُلُوهُمْ حِينَ فَتَحُوا الْبِلَادَ، وَلَا نَهَمُ لَا يُقَاتِلُونَ، فَاشْبَهُوا الشُّيُوخَ وَالرُّهْبَانَ.

Indeed, when the Prophet's Companions ﷺ conquered the various lands, they did not kill them [farmers and merchants], because they did not fight [against them], and so in that sense they [the civilians] resembled the elderly and the religious leaders.

2. Non-Muslim employees working in the households of non-Muslim employers in the conquered areas are not to be killed, and no kind of tax can be imposed upon them. This is the decree of the Shariah with regard to them. Ibn al-Qayyim stated the same thing, quoting ʿAbd Allāh b. ʿUmar ؓ:

إِنَّ الْعَبْدَ مُحَقَّقُ الدَّمِ فَاشْبَهَ النِّسَاءَ وَالصِّبْيَانَ.

The blood of a servant is inviolable, and is thereby similar to that of women and children.<sup>1</sup>

3. Imam al-Awzāʿī (88–157 AH) took a similar view about the non-combatants:

لَا يُقْتَلُ الْحَرَّاتُ إِذَا عَلِمَ أَنَّهُ لَيْسَ مِنَ الْمُقَاتِلَةِ.

Farmers are not to be killed [during war] if it is known that they are not from the combatants.<sup>2</sup>

4. In *al-Mughnī fī fiqh al-Imām Aḥmad b. ʿanbal al-Shaybānī*,

<sup>1</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:172–173.

<sup>2</sup> •Ibn Qudāma, *al-Mughnī*, 9:251. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:165.



Ibn Qudāma al-Maqdisī (d. 620 AH) wrote about the non-combatant farmers:

فَأَمَّا الْفَلَّاحُ الَّذِي لَا يُقَاتِلُ فَيَنْبَغِي أَنْ لَا يُقْتَلَ، لِمَا رُوِيَ عَنْ عُمَرَ بْنِ  
الْخَطَّابِ رضي الله عنه أَنَّهُ قَالَ: اتَّقُوا اللَّهَ فِي الْفَلَاحِينَ، الَّذِينَ لَا يَنْصُبُونَ لَكُمْ فِي  
الْحَرْبِ.

As for the farmer who is a non-combatant, he should not be killed, because it was narrated from ‘Umar b. al-Khaṭṭāb رضي الله عنه that he said, “Fear Allah regarding the farmers who do not wage war against you.”<sup>1</sup>

When two countries are in a state of war, it is forbidden in Islam to slay peaceful and non-combatant civilians, let alone commit mass killings in peacetime while the victims are non-combatant peaceful citizens.

The teachings of the Qur’ān, hadith, and the practices and statements of the Companions رضي الله عنهم and the expositions and exegeses of the jurists and hadith scholars all vividly reveal that Islamic countries are permitted to fight only those people and forces in the Abode of War that are directly taking part in hostilities. According to Islamic teachings, non-combatants and civilians must remain safe and secure during war. At the present time, under the United Nations, all countries, including the United States of America and Great Britain, and even their citizens are regarded as Abodes of Treaty, Abodes of Peace and Abodes of Islam. However, if someone is directly at war with them, that is a separate case.

## 12.5.5 WHY MEDINA WAS CHOSEN FOR MIGRATION

Equipped with unsheathed swords, the disbelievers of Mecca besieged the Prophet’s inviolable abode. Under these conditions, the place selected for emigration was Yathrib, which was also an ancient abode of the People of the Book. At the first and the second allegiance at ‘Uqba, dozens of people received the opportunity to be in the blessed

<sup>1</sup> •Ibn Qudāma al-Maqdisī, *al-Mughnī*, 9:251. •al-Bayhaqī in *al-Sunan al-kubrā*, 9:91 §1738.

company of the Messenger of Allah. They were also the People of the Book belonging to the members of the 'Aws and Khazraj tribes of Medina.

The question is, what was the reason of their stimulation for such a quick acceptance of Islam and inclination towards faith in such a brief span of time? In fact, they had already read in the Bible and the Torah about the raising of the Final Messenger of Allah in their scripture. They were aware of the signs of his appearance. The seed of faith had already been planted in their hearts when they beheld him at Minā, and were bestowed the cognizance of the esteemed status and the great dignity of the Holy Prophet. They then worked for the mission of Islam in Medina as the representatives and supporters of Islam even though they had not witnessed the splitting of the moon like the disbelievers of Mecca did, nor did they witness the journey of Ascension and other great miracles. The people of the Book were blessed with a mindset compatible with Islam—the blessing that had not touched the Meccan disbelievers and polytheists. So the People of the Book started paving the way for the Messenger's arrival in Medina well before his migration. Moreover, those who became the "supporters" (*anṣār*) of the Meccan Companions too were formerly the People of the Book. It was as though they had the instinct and predilection of accepting Islam much more than others. For the same reason, the prospects of the acceptance of the prophethood of the Holy Prophet ﷺ were brighter in Medina as compared to Mecca under the rule of oppressive and tyrant disbelievers. That was the underlying reason why Medina was selected as an abode of emigration.

#### 12.5.6 THE DIFFERENCE OF PACE AND NUMBER BETWEEN THE MECCAN AND MEDINAN PEOPLE IN ACCEPTING ISLAM

In Mecca, the Prophet spent forty years before and thirteen years after the commissioning of his prophethood. In a long span of fifty-three years, an over three hundred people embraced faith, besides the advent of several mighty miracles of the Prophet during this period. Contrarily, about 10,000 Muslims of Medina accompanied the Holy Prophet in the 8th year of migration to conquer Mecca. This manifests

how quickly and in what great numbers the people in Medina professed faith as compared to the idolaters and disbelievers of Mecca. The basic reason for this wide difference was that the Meccans were totally opposed to the concept of faith in the Oneness of God. Originally, they also denied prophethood, messengership, revelation, and the divine teachings.

The People of the Book, however, were at an advantage because they were well acquainted with all these concepts and teachings and were inclined to faith. The only stumbling block in the way of faith for them was that the Prophet was raised in Banī Ismā'īl instead of Banī Israel, even though they had settled in the city of date-palms, Medina, centuries before, only for the reason that, according to their Scripture, the Final Messenger of Allah ﷺ was to appear there. Many of their generations had passed, waiting for the arrival of the Holy Prophet. They were not originally opposed to faith; rather, they were waiting for it. Nevertheless, most of them felt jealous, became malicious, and deviated to disbelief when they saw that the Final Messenger whom they were waiting for a long time hailed from Banī Ismā'īl, yet several of those with a sound temperament became the believers.

## 12.6 THE PROPHET ﷺ INTEGRATED THE JEWS AND THE MUSLIMS INTO A COLLECTIVE UNITY THROUGH THE PACT OF MEDINA

The pact of Medina, which the Holy Prophet ﷺ concluded with the non-Muslims after migrating to Medina, is another historical step towards peace making. In drawing up this constitution, the People of the Book were mutual partners with the Muslims. The text of the pact of Medina has been narrated by all the imams who wrote on the Prophet's biography and history. Many of them have reported the text fully or partially. The document has reached us through Imam Ibn Shihāb al-Zuhrī, who reported through the following authorities:

Imam Ibn Ishāq in *al-Sīra*, Imam Abū 'Ubayd al-Qāsim b. Sallām and Imam Ḥumayd b. Zanjawayh in *Kitāb al-Amwāl*, Ibn Hishām in *al-Sīra*, al-Suhaylī in *al-Rawḍ al-Unf*, Ibn Sayyid al-Nās in *'Ayūn al-Athar*, Hāfiẓ Ibn Kathīr in *al-Bidāya wa al-Nihāya*, al-Nawayrī in *al-Nihāya*, Ibn al-Athīr al-Jazarī in *al-Nihāya*, Imam Maṣṣūr b.



al- asan in *Nathar al-Durar*, al-Sāghānī in *al-ʿAbāb*, Ibn Taymiya in *al-Ṣarīm al-Maslūl*, Ibn al-Qayyim in *Aḥkām ahl al-Dhimma*, Imam al-Bayhaqī in *al-Sunan al-Kubrā*, Imam al-Zarqānī in *Sharḥ al-Mawāhib al-Laduniyya*, and others.

Here are the opening words of the pact of Medina:

هَذَا كِتَابُ رَسُولِ اللَّهِ ﷺ بَيْنَ الْمُؤْمِنِينَ وَأَهْلِ يَثْرِبَ وَمَوَادِعَتِهِ يَهُودَهَا،  
مَقْدَمُهُ الْمَدِينَةُ... أَنَّ رَسُولَ اللَّهِ ﷺ كَتَبَ بِهَذَا الْكِتَابِ: هَذَا كِتَابٌ مِنْ  
مُحَمَّدِ النَّبِيِّ رَسُولِ اللَّهِ ﷺ، بَيْنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ مِنْ قُرَيْشٍ وَأَهْلِ  
يَثْرِبَ، وَمَنْ تَبِعَهُمْ فَلَحِقَ بِهِمْ، فَحَلَّ مَعَهُمْ، وَجَاهَدَ مَعَهُمْ، إِنَّهُمْ أُمَّةٌ  
وَاحِدَةٌ مِنْ دُونِ النَّاسِ.

"This is a constitutional agreement after the arrival of the Messenger of Allah to Medina between the believers who migrated from Mecca and the people of Yathrib, and the Jews have been made a party to this reconciliatory agreement. . . This is a written constitution given by the Messenger and the Prophet of Allah. This shall be governing the relations between the Muslims of Quraysh, the people of Yathrib (the citizens of Medina) and those who shall follow them and become attached to them (politically) and fight along with them to defend the state of Medina. The aforementioned communities shall formulate one Constitutional Unity *i.e.*, *Umma* as distinct from (other) people."<sup>1</sup>

Imam Ibn Ishāq has also reported the opening text in these words:

كَتَبَ رَسُولُ اللَّهِ ﷺ كِتَابًا بَيْنَ الْمُهَاجِرِينَ وَالْأَنْصَارِ، وَادَعَ فِيهِ يَهُودَ  
وَعَاهَدَهُمْ، وَأَقْرَهُهُمْ عَلَى دِينِهِمْ وَأَمْوَالِهِمْ، وَشَرَطَ لَهُمْ، وَاشْتَرَطَ  
عَلَيْهِمْ.

<sup>1</sup> Cited by •Ḥumayd b. Zanjawayh in *Kitāb al-Amwāl*, 1:393. •Abū ʿUbayd al-Qāsim b. Sallām in *Kitāb al-Amwāl*, 1:393. •Ibn Hishām in *al-Sīra al-Nabawiyya*, 2:497. •Ibn Kathīr in *al-Bidāya wa al-nihāya*, 3:224.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، هَذَا كِتَابٌ مِنْ مُحَمَّدٍ النَّبِيِّ بَيْنَ الْمُؤْمِنِينَ  
وَالْمُسْلِمِينَ مِنْ قُرَيْشٍ وَيَثْرِبَ، وَمَنْ تَبِعَهُمْ فَلَحِقَ بِهِمْ وَجَاهَدَ مَعَهُمْ.  
إِنَّهُمْ أُمَّةٌ وَاحِدَةٌ مِنْ دُونِ النَّاسِ.

“The Messenger of Allah inscribed an agreement between the emigrants and the supporters and made the Jews a party to this reconciliatory agreement and maintained their religious and economic freedom, accepting some of their conditions and making them accept certain conditions.

In the name of Allah, Most Compassionate Ever-Merciful. This is a written constitution given by the Prophet Muhammad. It is between the Muslims of Quraysh, the people of Yathrib (the citizens of Medina) and those who shall follow them (politically) and fight along with them (to defend the state of Medina). They all are one Constitutional Community *i.e.*, *Umma* as distinct from (other) people.”<sup>1</sup>

From the beginning of this constitution, the Messenger of Allah made the Jews a party to this agreement between the Muslims of Quraysh and the Muslims of Yathrib. They became the allies of the Muslims. They had signed the pact to defend Medina in the event of war along with the Muslims. The Prophet constituted one community or one nation comprising the emigrants, the supporters of Medina and the Jews, declaring:

إِنَّهُمْ أُمَّةٌ وَاحِدَةٌ مِنْ دُونِ النَّاسِ.

“They are all one *Umma* distinct from (other) people.”

He then enumerated all the tribes who were a party to this agreement and declared their freedom to practise their own religion, customs and traditions. In this connection, the next part of the Holy Prophet’s document is noticeable:

<sup>1</sup> Cited by •Ibn Hishām in *al-Sīra al-Nabawiyya*, 2:497. •al-Bayhaqī in *al-Sunan al-kubrā*, 8:106. •Ibn Kathīr in *al-Bidāya wa al-nihāya*, 3:224.

١. اَلْمُهَاجِرُونَ مِنْ قُرَيْشٍ عَلَى رِبَاعَتِهِمْ، يَتَعَاقِلُونَ بَيْنَهُمْ مَعَاقِلَهُمُ  
الْأُولَى، وَهُمْ يَفْدُونَ عَانِيَهُمْ بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٢. وَبَنُو عَوْفٍ عَلَى رِبَاعَتِهِمْ، يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ طَائِفَةٍ  
تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٣. وَبَنُو الْخَزَرَجِ عَلَى رِبَاعَتِهِمْ يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ طَائِفَةٍ  
مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٤. وَبَنُو سَاعِدَةَ عَلَى رِبَاعَتِهِمْ، يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ طَائِفَةٍ  
مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٥. وَبَنُو جُشَمٍ عَلَى رِبَاعَتِهِمْ، يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ طَائِفَةٍ  
مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٦. وَبَنُو النَّجَارِ عَلَى رِبَاعَتِهِمْ يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ طَائِفَةٍ  
مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٧. وَبَنُو عَمْرِو بْنِ عَوْفٍ عَلَى رِبَاعَتِهِمْ يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ  
طَائِفَةٍ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٨. وَبَنُو النَّبَيْتِ عَلَى رِبَاعَتِهِمْ يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ طَائِفَةٍ  
مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.
٩. وَبَنُو أَوْسٍ عَلَى رِبَاعَتِهِمْ يَتَعَاقِلُونَ مَعَاقِلَهُمُ الْأُولَى، وَكُلُّ طَائِفَةٍ مِنْهُمْ  
تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.

i. The emigrants from Quraysh shall be responsible for their ward and they shall, according to their approved practice, jointly pay the blood money in mutual collaboration,



and shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.

2. And the emigrants from Banū 'Awf shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in mutual collaboration and shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.
3. And the emigrants from Banū al-Khazraj shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.
4. And the emigrants from Banū Sā'ida shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.
5. And the emigrants from Banū Jusham shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.
6. And the emigrants from Banū al-Najjār shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.
7. And the emigrants from Banū 'Amr b. 'Awf shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in

mutual collaboration and every group shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.

8. And the emigrants from Banū al-Nabīṭ shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.
9. And the emigrants from Banū Aws shall be responsible for their ward and they shall, according to their formal approved practice, jointly pay the bloodmoney in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom with righteousness and justice between the believers.<sup>1</sup>

#### 12.6.1 THE PROPHETIC PRONOUNCEMENT: "THE JEWS TOGETHER WITH THE MUSLIMS ARE ONE NATION"

Creating a single *Umma* by joining the Jews with the Muslims has been clearly mentioned on another occasion in the document. The words in the document dictated by the Holy Prophet ﷺ are noticeable:

إِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مَعَ الْمُؤْمِنِينَ، لِلْيَهُودِ دِينُهُمْ وَلِلْمُسْلِمِينَ دِينُهُمْ،  
مَوَالِيَهُمْ وَأَنْفُسُهُمْ.

"Certainly, the Jews of Banū 'Awf (non-Muslim minorities) shall be considered a community along with the believers. However, the Jews will follow their own religion and the Muslims will practise their own *Dīn*. As for the *Umma*, both will be a part of it and their supporters too."<sup>2</sup>

<sup>1</sup> Cited by •Humayd b. Zanjawayh in *Kitāb al-amwāl*, 1:394. •Abū 'Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, 1:394. •Ibn Hishām in *al-Sīra al-Nabawiyya*, 2:497–498. •al-Bayhaqī in *al-Sunan al-kubrā*, 8:106. •Ibn Kathīr in *al-Bidāya wa al-nihāya*, 3:224–225.

<sup>2</sup> Cited by •Ibn Hishām in *al-Sīra al-Nabawiyya*, 2:499. •Humayd b. Zanjawayh in *Kitāb al-amwāl*, 1:394. •Ibn Kathīr in *al-Bidāya wa al-nihāya*,

It has been elucidated here that both groups will follow and practise their respective religions freely. However, there is nothing that keeps them from becoming a single community. Becoming an *Umma* this way does not adversely affect the individual identity of either the Muslims or the Jews. Nor do their distinctive religious identities come in their way to becoming a collective body or a single community.

This Prophetic command does not in any way affect the concept of the Muslim *Umma* because when the Muslims were declared one *Umma*, that had religious, legal and communal implications. However, when the Jews together with the Muslims were declared a single *Umma*, that had political, social, defensive and collective connotations. This generates the concept of a constitutional nationality and citizenship. On the basis of this, the Holy Prophet laid the foundation of a multicultural society, which became a model for present-day interfaith tolerance and peaceful co-existence. The classical books and sources have also quoted the words “community of the believers” instead of “community with the believers”. It has been quoted like this:

إِنَّ يَهُودَ بَنِي عَوْفٍ وَمَوَالِيَهُمْ وَأَنْفُسَهُمْ أُمَّةٌ مِنَ الْمُؤْمِنِينَ، لِلْيَهُودِ دِينُهُمْ،  
وَلِلْمُؤْمِنِينَ دِينُهُمْ.

“Verily, all the Jews of Banū ‘Awf (non-Muslim minorities) and their supporters shall be considered a part of the community of believers. However, they will practice their own religion and the Muslims will follow their *Dīn*.”<sup>1</sup>

## 12.6.2 THE IMPLICATIONS OF “THE JEWS OF BANŪ ‘AWF WILL BE A PART OF THE MUSLIM COMMUNITY”

The imams who have reported the words *Ummatan min al-Mu’minīn* (part of the Muslim community) include Imam Abū ‘Ubayd al-Qāsim b. Sallām, Imam Ḥumayd b. Zanjawayh, Imam Maṣṣūr b. al-Ḥusayn al-Ābī, Imam Ibn al-Athīr al-Jazarī, and Imam Muhammad b. Yūsuf

3:225.

<sup>1</sup> Cited by •Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 263.  
•Maḥmūd b. ‘Umar al-Zamakhsharī in *al-Fā’iq fī gharīb al-ḥadīth wa al-āthār*, 2:25.



al-Ṣāliḥī al-Shāmī and others.

This text connotes that despite having separate religions, Muslims and Jews have become the members of the same *Umma* by this reconciliatory agreement. Thus, they will guard, protect, and support each other like members of the same community. Their alliance, therefore, has united them as the member of a single community.

Let us now delve into how the imams of hadith have interpreted the words reported in the hadith.

#### 12.6.2.1 IMAM IBN AL-ATHĪR AL-JAZARĪ

In this series, we first take the interpretation of Imam Ibn al-Athīr al-Jazarī.

He writes in his famous book *al-Nihāya fī gharīb al-ḥadīth wa al-athar*,

وَفِيهِ: إِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مِنَ الْمُؤْمِنِينَ. يُرِيدُ: أَنَّهُمْ بِالصُّلْحِ الَّذِي  
وَقَعَ بَيْنَهُمْ، وَبَيْنَ الْمُؤْمِنِينَ كَجَمَاعَةٍ مِنْهُمْ، كَلِمَتُهُمْ وَأَيْدِيهِمْ وَاحِدَةٌ.

“Certainly, the Jews of Banū ‘Awf are included in the community of believers”—indicate that the status of the Jews determined by the agreement is that they are like the part of the believers’ community. The words and the deeds of both of them will be considered as one.”<sup>1</sup>

It means that if one group of them promises to some other community or tribe, the other group will also be equally responsible to keep that promise as if he has promised himself. Likewise, if one group provides someone shelter, the other will be equally bound and will honour it as if he has been responsible for providing the shelter. If some action has been taken against any one of them, it will be considered an action against their own community. Similarly, their support and opposition will be considered the one. In short, the Jews and the Muslims will be considered the members of the same community.

Imam Ibn al-Athīr has gone into further details when commenting

<sup>1</sup> Cited by •Ibn al-Athīr in *al-Nihāya fī gharīb al-ḥadīth wa al-athar*, chapter of *al-hamza* with *mīm*, 1:77.

on this report in his book, *Manāl al-Ṭālib fī Sharḥ Ṭiwāl al-Gharā'ib*:

قَوْلُهُ: وَإِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مِنَ الْمُؤْمِنِينَ. يُرِيدُ: أَنَّهُمْ بِالصُّلْحِ الَّذِي  
وَقَعَ بَيْنَهُمْ وَبَيْنَ الْمُؤْمِنِينَ، فَصَارَتْ أَيْدِيهِمْ وَأَيْدِي مَوَالِيهِمْ مَعَ الْمُؤْمِنِينَ  
وَاحِدَةً عَلَى عَدُوِّ الْمُؤْمِنِينَ، كَأُمَّةٍ مِنَ الْمُؤْمِنِينَ، إِلَّا أَنَّ لِهَؤُلَاءِ دِينَهُمْ،  
وَلِهَؤُلَاءِ دِينُهُمْ، إِلَّا مَنْ ظَلَمَ وَأَثِمَ يَنْقُضِ الْعَهْدَ وَالنَّكَثَ.

“The Prophetic command—‘certainly, the Jews of Banū ‘Awf are included in the community of believers’—means that as a result of the covenant between the Jews and the Muslims, the members and supporters of both the groups and their power and strength have become a united force against the Muslims’ enemies (the Meccan infidels), and due to this relation of unity, the Jews will also be taken as part of the Muslim community, except that the Muslims will follow their religion and the Jews will practise theirs, unless any of the parties violates the agreement and perpetrates tyranny and oppression.”<sup>1</sup>

#### 12.6.2.2 INTERPRETATION BY AL-ZAMAKHSHARĪ

According to al-Zamakhsharī:

يَهُودُ بَنِي عَوْفٍ بِسَبَبِ الصُّلْحِ الْوَاقِعِ بَيْنَهُمْ وَبَيْنَ الْمُؤْمِنِينَ كَأُمَّةٍ مِنْهُمْ فِي  
أَنَّ كَلِمَتَهُمْ وَاحِدَةٌ عَلَى عَدُوِّهِمْ. فَأَمَّا الدِّينُ فَكُلُّ فِرْقَةٍ مِنْهُمْ عَلَى حِيَالِهَا  
إِلَّا مَنْ ظَلَمَ يَنْقُضِ الْعَهْدَ.

“As a result of the agreement between the Muslims and the Jews, the Jews of Banū ‘Awf have become like part of the same community. The words and agreements of both these groups have now become the same against their enemies. As for religion, both will adhere to their respective faiths, except

<sup>1</sup> •Ibn al-Athīr, *Manāl al-ṭālib fī Sharḥ Ṭiwāl al-gharā'ib*, ḥadīth, the book of Quraysh and al-Anṣār, 1:183.

the ones who wrong by violating the agreement.”<sup>1</sup>

### 12.6.2.3 INTERPRETATION BY IBN ABĪ ‘UBAYD AL-HARAWĪ

Imam Ibn Abī ‘Ubayd al-Harawī described these connotations first in his book *al-Gharibayn fī al-Qur’ān wa al- adīth*, as follows:

وَفِيهِ: إِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مِنَ الْمُؤْمِنِينَ. يُرِيدُ: أَنَّهُمْ بِالصُّلْحِ الَّذِي وَقَعَ بَيْنَهُمْ، وَبَيْنَ الْمُؤْمِنِينَ كَأُمَّةٍ مِنَ الْمُؤْمِنِينَ، كَلِمَتُهُمْ وَأَيْدِيهِمْ وَاحِدَةٌ.

“Certainly, the Jews of Banū ‘Awf are included in the community of believers’ means that the agreement that has been concluded between the Muslims and the Jews implies that the Jews have been made part of the Muslim community. Their words and deeds will now be regarded as one.”<sup>2</sup>

### 12.7 FIVE OTHER JEWISH TRIBES WERE ALSO INCLUDED IN ONE COMMUNITY ALONG WITH MUSLIMS

Later, like Banū ‘Awf, the Prophet included five other Jewish tribes in one community along with the Muslims. Each one of these tribes was given the same status that was previously owned by Banū ‘Awf. Then their allies too were made part of it in the same way. Moreover, rules were also formulated to govern mutual help and cooperation of betterment as is expected from the members of the same community.

Here are these extensions:

- وَإِنَّ يَهُودَ بَنِي النَّجَّارِ مِثْلَ مَا لِيَهُودَ بَنِي عَوْفٍ.
- وَإِنَّ يَهُودَ بَنِي الْحَارِثِ مِثْلَ مَا لِيَهُودَ بَنِي عَوْفٍ.

<sup>1</sup> •Al-Zamakhsharī, *al-Fā’iq fī gharīb al-ḥadīth wa al-athar*, 2:26.

<sup>2</sup> •Al-Harawī, *al-Gharibayn fī al-Qur’ān wa al-ḥadīth*, chapter of *al-ḥamza* with *al-mīm*, 1:107.



- وَإِنَّ لِيَهُودَ بَنِي جُشَمٍ مِثْلَ مَا لِيَهُودَ بَنِي عَوْفٍ.
- وَإِنَّ لِيَهُودَ بَنِي سَاعِدَةَ مِثْلَ مَا لِيَهُودَ بَنِي عَوْفٍ.
- وَإِنَّ لِيَهُودَ الْأَوْسِ مِثْلَ ذَلِكَ، إِلَّا مَنْ ظَلَمَ، فَإِنَّهُ لَا يُوتَغُ إِلَّا نَفْسَهُ وَأَهْلَ بَيْتِهِ. وَأَنَّهُ لَا يَخْرُجُ أَحَدٌ مِنْهُمْ إِلَّا بِإِذْنِ مُحَمَّدٍ ﷺ.
- عَلَى الْيَهُودِ نَفَقَتُهُمْ، وَعَلَى الْمُسْلِمِينَ نَفَقَتُهُمْ.
- وَأَنَّ بَيْنَهُمُ النَّصْرَ عَلَى مَنْ حَارَبَ أَهْلَ هَذِهِ الصَّحِيفَةِ. وَأَنَّ بَيْنَهُمُ النَّصْحَ وَالنَّصِيحَةَ وَالنَّصْرَ لِلْمَظْلُومِ.
- وَأَنَّ الْمَدِينَةَ جَوْفُهَا حَرَمٌ لِأَهْلِ هَذِهِ الصَّحِيفَةِ.
- وَأَنَّ بَيْنَهُمُ النَّصْرَ عَلَى مَنْ دَهَمَ يَثْرَبَ.
- وَأَنَّهُمْ إِذَا دَعُوا الْيَهُودَ إِلَى صُلْحٍ حَلِيفَ لَهُمْ بِالْأُسُورَةِ، فَإِنَّهُمْ يُصَالِحُونَهُ. وَإِنْ دَعَوْنَا إِلَى مِثْلِ ذَلِكَ، فَإِنَّهُ لَهُمْ عَلَى الْمُؤْمِنِينَ إِلَّا مَنْ حَارَبَ الدِّينَ.
- وَأَنَّ يَهُودَ الْأَوْسِ وَمَوَالِيَهُمْ وَأَنْفُسِهِمْ مَعَ الْبَرِّ الْمُحْسِنِ مِنْهُمْ، مِنْ أَهْلِ هَذِهِ الصَّحِيفَةِ.
- وَأَنَّهُ الْبَرُّ دُونَ الْإِثْمِ، وَلَا يَكْسِبُ كَاسِبٌ إِلَّا عَلَى نَفْسِهِ.
- وَإِنْ أَوْلَاهُمْ بِهَذِهِ الصَّحِيفَةِ الْبَرُّ الْمُحْسِنُ.

- The Jews of Banū al-Najjār shall enjoy the same rights as granted to the Jews of Banū 'Awf.
- The Jews of Banū al- ārith shall also enjoy the same rights as granted to the Jews of Banū 'Awf.
- The Jews of Banū Jusham shall also enjoy the same rights

as granted to the Jews of Banū 'Awf.

- The Jews of Banū Sa'ida shall also enjoy the same rights as granted to the Jews of Banū 'Awf.
- The Jews of Banū Aws shall also enjoy the same rights as granted to the Jews of Banū 'Awf. But he who wrongs will, no doubt, put himself and his family in trouble. No one shall exit the agreement without permission from the (Prophet) Muhammad (blessings and peace be upon him).
- The Jews will be responsible for their maintenance and the Muslims will be responsible for theirs.
- There shall be mutual help between one another against those who engage in war with the allies of this document. There shall be mutual consultation, well-wishing and sincerity over breaching the treaty, and help for the wronged shall be mandatory.
- And the valley of Medina (the plateau surrounded by hills) will be a sanctuary (an abode of peace) for the signatories of this agreement (i.e. fighting among each other here will be forbidden).
- The Muslims and the Jews shall be jointly responsible to defend (the state of) Medina against any outside attack.
- It shall be incumbent upon the Jews to observe and adhere to any peace treaty they are invited to participate in by any of their allies. Likewise, it shall also be incumbent upon the Muslims to observe and adhere to any peace treaty they are invited to. However, a person who fights against the religion of Islam has no right on believers.
- And the Jews of the Aws tribe whether allies or native citizens will enjoy the same rights that have been awarded to the holders of this constitution, and they will extend faithful conduct to the people of the constitution.
- Faithfulness and sincerity will prevail over breaching the treaty. Everyone will be responsible for his doings.
- The pious and the benevolent will be the beneficiary of this agreement.<sup>1</sup>

<sup>1</sup> Cited by •Humayd b. Zanjawayh in *Kitāb al-amwāl*, 1:395. •Ibn Hishām in

By comparing this pact with the pact of udaybiya that was concluded between the Muslims and the disbelievers of Mecca in the 6th year of migration, we can vividly see that its themes, style, conditions and text are altogether different from the agreement that was concluded with the Jews of Medina. The nature of both the agreements is different from the beginning to the end. The pact of udaybiya contains conditions to maintain truce and peace for ten years. Apart from that, the agreement is void of any overtures of mutuality and cooperation among the two groups. As for the charter of Medina, it has altogether a different set of objectives and matters of mutual interest with the People of the Book that we have already surveyed.

## 12.8 ABYSSINIA—THE MODEL ABODE OF PEACE

The disbelievers of Mecca impeded the propagation of Islam and made the lives of the Muslims hard and miserable. They intensified their persecutions against the Prophet and his followers. Even influential men who now followed the Prophet were not spared. They were boycotted and several of them were restrained in their own homes. Many of the Muslims with little or no influence were tortured publicly and repeatedly. When the pagan Meccans' hostility against the Muslims became unbearably brutal, the Prophet commanded a group of them, including Uthmān b. 'Affān and the Holy Prophet's beloved daughter Ruqayya, to migrate to Abyssinia, even though he knew that Abyssinia was a Christian country and its ruler, the Negus, too was a Christian. Since the repute of the King Negus reached the Prophet as a just and kind ruler, he selected this Christian country for the first and second migration.

The Qur'ān has honoured this decision of the Holy Prophet as the corroboration of Almighty Allah's commandment and declared Abyssinia as the best abode for the Muslims. The Qur'ān's declaration about Abyssinia as the safest country for the Companions of the

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*al-Sīra al-Nabawiyya*, 1:331, 2:499–500. • Abū 'Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, 1:224. • al-Ṭabarī, *Tārīkh al-umam wa al-mulūk*, 1:547. • al-Zamakhsharī in *al-Fā'iḳ fī gharīb al-ḥadīth wa al-āthār*, 2:25. • al-Dhahabī, *Tārīkh al-Islām*, 1:184. • Ibn Kathīr, *al-Bidāya wa al-nihāya*, 3:66. • al-'Aynī, *Umda al-qārī*, 7:268.



Prophet has been elaborately interpreted in the subsequent pages.

The disbelievers and idolaters of Mecca were at war with the Muslims. They inflicted atrocities on them and subjected them to extreme form of terrorism and brutality. The Prophet's command to his Companions to migrate to a Christian kingdom portends the difference between the tyranny the disbelievers meted out to the Muslims and the security and the observance of human rights the People of the Book extended to them under the King Negus of Abyssinia. There the Muslims were received well and allowed to practice their religion and live in peace. The Prophet reciprocated this harmony and hospitality towards them as Abyssinia proved to be a model abode of peace for the Muslims.

## 12.9 THE DIFFERENCE BETWEEN THE CHRISTIAN RULE OF ABYSSINIA AND THE MECCAN RULE

Here are some of its salient features:

- a. Many of the People of the Book were pious believers

The Qur'ān provides ample evidence about the piety and true faith of the People of the Book. It has been revealed in *sūra al-A'rāf*:

﴿وَمِنْ قَوْمِ مُوسَى أُمَّةٌ يَهْدُونَ بِالْحَقِّ وَبِهِ يَعْدِلُونَ﴾

*And a party amongst the people of Mūsā ([Moses] comprises those) who guide to the path of truth and according to that (make judgments based on) justice.*<sup>1</sup>

﴿وَإِنَّ مِنْ أَهْلِ الْكِتَابِ لَمَنْ يُؤْمِنُ بِاللَّهِ وَمَا أُنْزِلَ إِلَيْكُمْ وَمَا أُنْزِلَ إِلَيْهِمْ خَلْشِعِينَ لِلَّهِ لَا يَشْتَرُونَ بِآيَاتِ اللَّهِ ثَمَنًا قَلِيلًا أُولَٰئِكَ لَهُمْ أَجْرُهُمْ عِنْدَ رَبِّهِمْ إِنَّ اللَّهَ سَرِيعُ الْحِسَابِ﴾

*And indeed, some People of the Book are such that they believe in Allāh, and also (have faith in) the Book that has been revealed to you, and the one which was sent down to them. Their hearts remain subdued before Allāh. And they*

<sup>1</sup> Qur'ān 7:159.

*do not receive a paltry price for the Revelations of Allāh. They are the ones whose reward lies with their Lord. Indeed, Allāh is Swift at reckoning.* ﴿<sup>1</sup>

b. As for love, the Christians are closer to the Muslims

﴿لَتَجِدَنَّ أَشَدَّ النَّاسِ عَدُوًّا لِلَّذِينَ ءَامَنُوا الْيَهُودَ وَالَّذِينَ أَشْرَكُوا وَلَتَجِدَنَّ أَقْرَبَهُمْ مَوَدَّةً لِلَّذِينَ ءَامَنُوا الَّذِينَ قَالُوا إِنَّا نَصْرِيَّ ذَلِكَ بِأَنَّهُمْ قِسِيَّيْنِ وَرُهْبَانًا وَأَنَّهُمْ لَا يَسْتَكْبِرُونَ﴾

*‘You will indeed find the Jews and the polytheists the bitterest of people in their enmity against the Muslims, and the closest in love and affection for the Muslims you will find those who say: ‘Indeed, we are Nazarenes (Christians).’ This is because amongst them are savants (i.e., scholars of Shariah) as well as monks (i.e., ascetic worshippers) and (moreover) they are not given to arrogance.’* ﴿<sup>2</sup>

Such wonderful remarks in the Qur’ān about the Christians have never been made with regard to the disbelievers and polytheists even during the periods of reconciliation, armistice and truce. The reason given for this close affinity has been nothing but the presence of the people of Shariah and the spirituality among them. Also among the Muslims, a similar division exists from the days of the Companions and the pious predecessors to the later eras of scholars, luminaries and jurists. There are many things in common between the two communities, even if the means and methods of both of them differ widely with respect to commands and legal issues. The verses quoted above contain a significant segment that relates to the Christians:

﴿وَلَتَجِدَنَّ أَقْرَبَهُمْ مَوَدَّةً لِلَّذِينَ ءَامَنُوا الَّذِينَ قَالُوا إِنَّا نَصْرِيَّ﴾

*And the closest in love and affection for the Muslims you will find those who say: ‘Indeed, we are Nazarenes*

<sup>1</sup> Ibid 3:199.

<sup>2</sup> Ibid 5:82.

(Christians).’<sup>1</sup>

c. The Qur’ān declared Abyssinia the safest country for the Companions.

With regard to Abyssinia, the Qur’ān has revealed.

﴿وَالَّذِينَ هَاجَرُوا فِي اللَّهِ مِنْ بَعْدِ مَا ظَلَمُوا لَنُبَوِّتَهُمْ فِي الدُّنْيَا حَسَنَةً  
وَلَأَجْرُ الْآخِرَةِ أَكْبَرُ لَوْ كَانُوا يَعْلَمُونَ﴾

«And those who emigrated after they had been subjected to (different kinds of) torture and brutality, We will certainly provide them with a better abode in this (very) world. And the reward in the Hereafter is certainly greater. Would that they knew (this secret)!»<sup>1</sup>

Imam al-Qurṭubī has interpreted this verse in his exegeses, *al-Jāmi‘ li aḥkām al-Qur’ān*:

وَقَالَ قَتَادَةُ: الْمُرَادُ أَصْحَابُ مُحَمَّدٍ ﷺ، ظَلَمَهُمُ الْمُشْرِكُونَ بِمَكَّةَ  
وَأَخْرَجُوهُمْ حَتَّى لَحِقَ طَائِفَةٌ مِنْهُمْ بِالْحَبَشَةِ. ثُمَّ بَوَّاهُمُ اللَّهُ تَعَالَى دَارَ  
الْهَجْرَةِ، وَجَعَلَ لَهُمْ أَنْصَارًا مِنَ الْمُؤْمِنِينَ.

“According to Qatāda, this verse alludes to those Companions whom the Meccan disbelievers subjected to tyranny and ostracized, until one of their groups left for Abyssinia. Thereafter, Allah blessed them with a safe haven in the abode of migration (i.e., Medina) and produced their helpers from amongst the believers.”<sup>2</sup>

Both Imam Ibn Abī Hātim al-Rāzī and Imam Ibn Jarīr al-Ṭabarī agree that here “the best abode” implies emigration to Abyssinia and, later, to Medina<sup>3</sup> and both these abodes allude to the words, “We will

<sup>1</sup> Ibid 16:41.

<sup>2</sup> •Al-Qurṭubī, *al-Jāmi‘ li aḥkām al-Qur’ān*, 10:107.

<sup>3</sup> •Ibn Abī Hātim al-Rāzī, *Tafsīr al-Qur’ān al-‘Azīm*, 7:2284 §21518. •al-Ṭabarī, *Jāmi‘ al-Bayān fī Tafsīr al-Qur’ān*, 14:107.



certainly provide them with a better abode in this (very) world", in the Qur'ānic verse.

After mentioning emigration to both these places, Imam Makkī b. Abī Ṭalīb al-Muqrī writes in *al-Hidāya ilā Bulūgh al-Nihāya* about this verse:

"This verse does not refer to emigration to Medina but signifies emigration to Abyssinia, because this verse was revealed in Mecca on the occasion of emigration to Abyssinia."<sup>1</sup>

Imam Ibn 'Atiyya has further explained it in *al-Muḥarrar*:

وَهُمُ الَّذِينَ هَاجَرُوا إِلَى أَرْضِ الْحَبَشَةِ. هَذَا قَوْلُ الْجُمْهُورِ، وَهُوَ الصَّحِيحُ  
فِي سَبَبِ هَذِهِ الْآيَةِ، لِأَنَّ هِجْرَةَ الْمَدِينَةِ لَمْ تَكُنْ وَقْتُ نَزُولِ الْآيَةِ.

"And (the verse under reference signifies) the people who immigrated to Abyssinia. That is the saying of the majority and this is what is congruous to the occasion of its revelation, because, chronologically, its revelation precedes the emigration to Medina."<sup>2</sup>

Imam Abū 'ayān too has concurred in *al-Baḥr al-muḥīt* that this verse refers to the emigration to Abyssinia because the Muslims of Mecca had not yet moved to Medina when this verse was revealed.<sup>3</sup>

After migration, events occurred to the Muslims in Abyssinia that portray how the Negus, the Christian King of Ethiopia, supported the Companions of the Holy Prophet despite the opposition of Quraysh of Mecca. The Holy Prophet's view about the Ethiopian king proved a reality. The Christian king not only protected the Muslims, but a spring of love also sprouted from his heart for the Prophet of Islam and his Companions. Almighty Allah provided a peaceful abode to the Muslims whom the tyrannous Meccans had harried and displaced, fomenting crucibles and shedding their blood. Allah Most Exalted bestowed upon the Muslims a blessing in the form of their host—the ruler of Abyssinia, King Negus. Then the Muslims emigrated twice

<sup>1</sup> •Makkī b. Abī Ṭalīb al-Muqrī, *al-Hidāya ilā bulūgh al-nihāya*, 6:3996.

<sup>2</sup> •Ibn 'Atiyya, *al-Muḥarrar al-wajīz fī tafsīr al-kitāb al-azīz*, 3:394.

<sup>3</sup> •Abū 'ayān, *al-Baḥr al-muḥīt*, 5:492.

in a large number towards the same land and stayed there in peace until the Prophet, along with the rest of the Muslims, migrated from Mecca to Madina. In this connection, Almighty Allah revealed in *sūra al-ʿAnkabūt*:

﴿يَعِبَادِيَ الَّذِينَ ءَامَنُوا إِنَّ أَرْضِي وَسِعَةٌ فَإِنِّي فَأَعْبُدُونَ﴾

﴿O My servants who have believed! Surely, My earth is vast, so worship Me alone.﴾<sup>1</sup>

Ibn Kathīr has interpreted this verse in the following way:

لَمَّا ضَاقَ عَلَى الْمُسْتَضْعِفِينَ بِمَكَّةَ مُقَامُهُمْ بِهَا، خَرَجُوا مُهَاجِرِينَ إِلَى أَرْضِ الْحَبَشَةِ، لِيَأْمَنُوا عَلَى دِينِهِمْ هُنَاكَ، فَوَجَدُوا هُنَاكَ خَيْرَ الْمَنَزِلَيْنِ. أَصْحَمَةُ النَّجَاشِيِّ مَلِكُ الْحَبَشَةِ، رَحِمَهُ اللَّهُ، أَوَاهُمْ وَأَيَّدَهُمْ بِنَصْرِهِ.

“When the land of Mecca became narrow upon the feeble and weak (companions of the Holy Prophet) and it was unbearable for them to live there, they immigrated to Abyssinia to save their *Dīn*. There they found Negus Aṣḥama, the King of Abyssinia, the best host who extended his full support to the immigrants, helped them and provided them with all the possible facilities.”<sup>2</sup>

## 12.10 THE HOLY PROPHET ﷺ DECLARED ABYSSINIA “THE LAND OF TRUTH”

As mentioned above, the Qurʾān declared Abyssinia as the best abode. Similarly, the Prophet had also affirmed it the land of peace and truth, knowing that the ruler of that country was a Christian.

According to Imam Ibn Ishāq, when the brutalities perpetrated by the Meccan disbelievers and polytheists exceeded limits and none of the strategies to protect the Muslims proved fruitful, the Prophet commanded the Companions to migrate to Abyssinia. The Prophetic command inherently confirms the evidence of the Christian land being

<sup>1</sup> Qurʾān 29:56.

<sup>2</sup> •Ibn Kathīr, *Tafsīr al-Qurʾān al-ʿAẓīm*, 6:290.

an abode of peace for the insecure Muslims of Mecca.

This is important to remember that this migration took place in the month of Rajab, after the 5th year of the pronouncement of Prophethood [*Nubuwwa*]. In the beginning, our master 'Uthmān b. 'Affān and his wife Ruqayya, the venerable daughter of the Prophet, along with 15 people, migrated. Later, when the Companions heard the news of peace and security in Abyssinia, many more Companions and their wives emigrated, raising the total number of immigrants to eighty two. This is known as the second migration to Abyssinia. The blessed words of the Holy Prophet addressed to the Companions at the time of migration are inspiring:

لَوْ خَرَجْتُمْ إِلَى أَرْضِ الْحَبَشَةِ، فَإِنَّ بِهَا مَلِكًا لَا يُظْلَمُ عِنْدَهُ أَحَدٌ، وَهِيَ أَرْضٌ صِدْقٍ، حَتَّى يَجْعَلَ اللَّهُ لَكُمْ فَرَجًا. فَخَرَجَ عِنْدَ ذَلِكَ الْمُسْلِمُونَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ ﷺ إِلَى أَرْضِ الْحَبَشَةِ، مُحَافَةَ الْفِتْنَةِ وَفِرَارًا إِلَى اللَّهِ بِدِينِهِمْ، فَكَانَتْ أَوَّلَ هِجْرَةٍ كَانَتْ فِي الْإِسْلَامِ.

“(It is better) if you leave for Abyssinia until Allah makes a way out for you because the king of Abyssinia does not oppress or tyrannize people. That is a land of truth and righteousness. May Allah make it spacious for you!” Hearing this Prophetic command, many Companions left for Abyssinia to escape the sufferings and save their *Dīn*. This was the first ever emigration of the Muslims in the history of Islam.”<sup>1</sup>

Imam al-Ṭabarī wrote exactly the same words about the land of Ethiopia (Abyssinia) and its King Negus in *Tārīkh al-Umam wa al-Mulūk*. According to him, the Holy Prophet ﷺ said:

فَإِنَّ بِهَا مَلِكًا لَا يُظْلَمُ عِنْدَهُ أَحَدٌ، وَهِيَ أَرْضٌ صِدْقٍ.

“This country is under the rule of a king who does not wrong anybody and this is a land of truth. (There you can secure

<sup>1</sup> • Ibn Hishām, *al-Sīra al-Nabawiyya*, 1:331.



your rights better.)”<sup>1</sup>

Imam al-Dhahabī and Ibn Kathīr have narrated the same words in *Tārīkh al-Islām* (1:184) and *al-Bidāya wa al-nihāya* (3:55) respectively. Also, Ibn al-Athīr al-Jazarī and numerous other imams of hadith and history have reported the same narration in their books and treatises. Imam Badr al-Dīn al-Aynī too has related it in *Kitāb al-Jum‘a* of ‘*Umda al-qārī sharḥ Ṣaḥīḥ al-Bukhārī*.

## 12.10.1 THE NEGUS HAD YET TO KNOW ABOUT THE FINAL MESSENGER

While Abyssinia was chosen for the Muslims to migrate for the protection of their lives, Dīn and faith from the brutalities and atrocities inflicted upon them by the disbelievers and polytheists, the country was also pertinently labelled as a “safe haven” and the “land of truth”. It was a Christian land with the Negus, the Christian ruler, in the saddle; he had yet to receive the news of the raising of the Final Messenger. Despite that, the Prophet declared that country an abode of peace for the Muslims to practise their *Dīn* and honoured it with an exalting title: “The Land of Truth”. This was said before the king had accepted Islam. Imam Ibn Ishāq, Imam al-Ṭabarānī and Imam Ibn ‘Asākir narrate from the mother of believers, Umm Salama:

لَمَّا نَزَلْنَا أَرْضَ الْحَبَشَةِ جَاوَزْنَا بِهَا خَيْرَ جَارٍ النَّجَاشِيِّ، أَمَّا عَلَى دِينِنَا،  
وَعَبَدْنَا اللَّهَ لَا نُؤَدِّي، وَلَا نَسْمَعُ شَيْئًا نَكْرَهُهُ.

“When we were with the Negus, we were in peace. As for our *Dīn*, we were free from all fears. So we worshipped Allah (in the free environment) well which we could not practise before. And we did not hear anything unpleasant there.”<sup>2</sup>

In like manner, Imam Ibn Ishāq, Imam Abū Nu‘aym and Imam Ibn ‘Asākir and āfiẓ Ibn Kathīr have narrated it from Ja‘far Ibn Abī Ṭālib in *al-Sīra*, *al-Dalā’il*, *al-Tārīkh* and *al-Bidāya wa al-nihāya*

<sup>1</sup> •Al-Ṭabarī, *Tārīkh al-umam wa al-mulūk*, 1:547.

<sup>2</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 1:341.

respectively that when the Negus heard of the virtues and teachings of the Final Messenger of Allah, he was in tears. Then he audaciously said in his court:

مَرْحَبًا بِكُمْ وَبِمَنْ جِئْتُمْ مِنْ عِنْدِهِ، أَشْهَدُ أَنَّهُ رَسُولُ اللَّهِ، وَأَنَّ الَّذِي نَجِدُ  
فِي الْإِنْجِيلِ، وَأَنَّ الرَّسُولَ الَّذِي بَشَّرَ بِهِ عِيسَى ابْنُ مَرْيَمَ، إِنْرُلُوا حَيْثُ  
شِئْتُمْ، وَاللَّهُ، لَوْ لَا مَا أَنَا فِيهِ مِنَ الْمُلْكِ لَأَتَيْتُهُ حَتَّى أَكُونَ أَنَا الَّذِي أَهْلُ  
نَعْلِيهِ. وَأَمَرَ لَنَا بِطَعَامٍ وَكُسْوَةٍ. ثُمَّ قَالَ: اذْهَبُوا فَأَنْتُمْ آمِنُونَ. مَنْ سَبَّكُمْ  
غُرِّمَ، مَنْ سَبَّكُمْ غُرِّمَ، مَنْ سَبَّكُمْ غُرِّمَ.

"I welcome you and the exalted personage from whom you have come to me. I bear witness that he is doubtlessly the true Messenger of Allah and he is certainly the same Prophet we have been reading about in the Bible about whom Jesus, son of Mary, gave the glad tidings. (O Muslims!) You can live here freely wherever you like. By God! Had I not been the ruler of this country, I would have submitted myself to his presence, until I had been given the opportunity to carry his shoes." The Negus then provided us with food and clothing and said: "Go! You will live in peace; whoever scolds you will be punished; whoever scolds you will be punished; whoever scolds you will be punished."<sup>1</sup>

Against the backdrop of atrocities and brutalities of the tyrannous disbelievers and terrorist polytheists of Mecca, Abyssinia, the land of the People of the Book, is declared a Land of Truth, and its righteous Christian ruler is regarded as the protector of the *Dīn* of the Muslims. He is also proving the Prophet's words true by his compliant and conforming actions. Such an exceptional behaviour could never be expected from any tribe or state being run by extremist disbelievers and bigoted polytheists.

<sup>1</sup> •Yūsuf al-Ṣāliḥī, *Subul al-hudā wa al-rishād fī sīra khayr al-'ibād*, chapter no thirteen, 2:391.

## 12.10.2 THE COMPANIONS' PRAISE FOR THE NEGUS AND HIS RULE

Imam Ibn Hishām and Ibn Kathīr have further narrated from Umm Salama, the mother of the believers, in *al-Sīra* and *al-Bidāya wa al-nihāya* respectively that she said:

“Some natives rebelled against the King Negus. By God! We never felt as perturbed as we did on that day, fearing that they might topple his government and take over the throne. In that case, it was likely that he would not recognize the rights of Muslims and not provide us protection the way the Negus was doing. The Negus’s army and his troops confronted the opposition and we started praying for the victory of the Negus and his government. Suddenly, Zubayr b. al-ʿAwām brought us the glad news that the Negus had been victorious and his enemy had been defeated. By God! We felt so glad that day as we had never felt before.”

Two sentences spoken by Umm Salama are of special significance:

١. فَجَعَلْنَا نَدْعُو اللَّهَ، وَنَسْتَنْصِرُهُ لِلنَّجَاشِيِّ.
٢. أَلَا، أَبَشِّرُوهُ، فَقَدْ أَظْهَرَ اللَّهُ النَّجَاشِيَّ، فَوَاللَّهِ، مَا عَلِمْنَا فَرَحًا بِشَيْءٍ قَطُّ فَرَحًا يَظْهَرُ النَّجَاشِيُّ.

1. “So we started praying for the Negus’s victory.”
2. “Beware! Rejoice! Allah has blessed the Negus with dominance. By God! We do not know if we have ever been so glad on any occasion as we were glad on the day of the Negus’s victory.”<sup>1</sup>

## 12.10.3 ALLAH’S EXCELLENT REWARD FOR NEGUS’S EXCELLENT CONDUCT WITH THE MUSLIMS

The mother of the believers, ʿĀ’isha, reported in *Sunan Abī Dāwūd’s*

<sup>1</sup> •Ibn Ishāq, *al-Sīra al-Nabawiyya*, 1:250. •Ibn Hishām, *al-Sīra al-Nabawiyya*, 1:344–345. •Ibn Kathīr, *al-Bidāya wa al-nihāya*, 3:75.



*Kitāb al-Jihād* (the Book of Striving):

لَمَّا مَاتَ النَّجَاشِيُّ كُنَّا نَتَحَدَّثُ أَنَّهُ لَا يَزَالُ يُرَى عَلَى قَبْرِهِ نُورٌ.

“When the King Negus died, we used to say that there seemed to be always a shower of divine light on his grave.”<sup>1</sup>

#### 12.10.4 THE PROPHET’S EXCELLENT BESTOWAL FOR NEGUS’S BENEVOLENCE TOWARDS THE COMPANIONS

According to the chapters *al-Janā’iz* (the funeral rites) and *al-Manāqib* (virtues) of *al-Ṣaḥīḥ* of al-Bukhārī and Muslim:

“When the Negus died, the Prophet himself broke the news to the Companions and prayed over him.”<sup>2</sup>

According to the scholars, the Holy Prophet paid back his benevolence with a higher benevolence because there was no one to pray over him in Abyssinia.<sup>3</sup>

#### 12.10.5 WHEN DID THE NEGUS EMBRACE ISLAM FORMALLY?

The Negus accepted Islam as a result of the letter written to him from the Holy Prophet during the Medinan period while he also wrote to the Caesar of Rome, the Iranian monarchs and the Egyptian rulers, inviting them to embrace Islam. According to Imam al-Zuhrī, all these letters were written simultaneously. The Negus, however, had been showing his generosity to the Muslims, and, expressing his love and affection to the Holy Prophet for more than a decade before, he

<sup>1</sup> Set forth by •Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Jihad], chapter: ‘The Light is Spotted near the Grave of a Martyr,’ 3:16 §2523.

<sup>2</sup> Set forth by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-janā’iz* [The Book of Funeral Rites], chapter: ‘A Man Announcing Someone’s Death to the Dead Person’s Relatives,’ 1:420 §1188, and in *Kitāb al-manāqib* [The Book of Exemplary Virtues], chapter: ‘The Death of the Negus,’ 3:1407–1408 §§3664–3668. •Muslim in *al-Ṣaḥīḥ: Kitāb al-janā’iz* [The Book of Funeral Processions], chapter: “Saying ‘Allāh akbar’ (God is the Greatest) over the Dead Body”, 2:656.

<sup>3</sup> •Ibn Hajar al-‘Asqalānī, *Fath al-Bārī*, 3:188.

entered the fold of Islam.

## 12.11 THE LOYALTY OF THE MUSLIM ABYSSINIAN REFUGEES TO ABYSSINIA AND ITS RELEVANCE TO THE MODERN WORLD

The emigration of the oppressed Muslims of Mecca to Abyssinia vividly depicts the nature of relations of the Muslims and non-Muslims. Ponder the model conduct and the teachings of the Messenger of Allah ﷺ when he ordered some of his Companions to migrate to the Christian state of Abyssinia under a Christian king. He directed his Companions ﷺ in these words:

According to Ibn Ishāq and al-Ṭabarī:

لَوْ خَرَجْتُمْ إِلَى أَرْضِ الْحَبَشَةِ، فَإِنَّ بِهَا مَلِكًا لَا يُظْلَمُ عِنْدَهُ أَحَدٌ، وَهِيَ أَرْضٌ صِدْقٌ.

“(It would be better) if you immigrate to the land of Abyssinia, for there is a king in whose presence no one is wronged. It is a land of truth and righteousness. (There you can secure your rights better.)”<sup>1</sup>

This hadith shows how the Messenger of Allah ﷺ appreciated the peaceful and protective conduct of a Christian ruler and his Christian state. Concurrently, the loyalty of the Abyssinian refugees to the state of Abyssinia can be better appreciated by considering the help they offered to the king against the rebels when they rose against him and caused tribulation and mischief. The refugees residing in Abyssinia helped the king against the rebels by taking part in the administration of the state. Loyalty to the country of one's residence is not only the practice of the Companions, it is the noble command of Allah's Messenger ﷺ as well. That has also brought forth the reciprocity of the relations of Muslims and non-Muslims towards maintenance of peace and interfaith harmony in a multicultural society.

Islam orders both men and women to adopt the Sunna of Allah's

<sup>1</sup> Cited by •Ibn Hishām in *al-Sīra al-Nabawiyya*, 2:164. •al-Ṭabarī in *Tārīkh al-umam wa al-mulūk*, 1:547.

Messenger ﷺ and be loyal to their country, whether they are British, American, French, Italian, European, Danish, or a refugee or non-resident. Islam exhorts Muslims to always be supportive and helpful to society. Islam orders the Muslims to obey the law and strengthen the rule of law where they dwell, to find gainful employment, to earn a living, to get subsidies, to receive, social and economic benefits, pensions and medical support, where one can have the benefits of life, individuality, business, faith and religion, and the freedom of cultural and traditional values; where mosques can be built freely without restraint; where one can go for pilgrimage; where one can establish prayer and keep fasts; where one can call to prayer and broadcast Islamic channels—in short, where one can do anything he or she wants. Therefore, it is clear and self-evident that all these countries are like the Land of Islam (*Dār al-Islām*) and they are definitely categorized as Abode of Peace.

#### 12.II.1 AN ANALYSIS OF HUMAN RIGHTS IN WESTERN AND SOME MUSLIM COUNTRIES (TOWARDS THE CATEGORIES OF ABODES)

If you conduct a realistic analysis of the human rights situation, you will find that the religious, communal, economic and social liberties and freedoms that the Muslims enjoy in Western countries are not accessible to them in their own Muslim, especially Arab countries. The Western World offers them all the benefits and liberties—social, political, religious, economic. Besides the freedom to establish educational institutions, Muslims in Western countries are also allowed to build mosques and Islamic centres. It is also possible to take the advantage of grants and other means. All of the benefits available to Muslims in these countries have been introduced by Islam. This society is the Abode of Islam and an Abode of Peace and Security. Therefore, any Muslim who accepts the teachings of the Messenger of Islam wholeheartedly does not have any right to take up a “private jihad” or fight in any part of the world. The abode of peace model of Abyssinia provides sufficient guidance to take the bearing on our way to global peace and harmony.



### 12.11.2 THE MESSAGE OF ISLAM—THE ESTABLISHMENT OF A GLOBAL HUMAN SOCIETY

The message of Islam is clear regarding global peace and mutual fairness. Islam is the foremost promoter and propagator of peace, justice and equality. Hence, we are to unite against extremism and religious fanaticism and root out terrorism. This is the time for every Muslim to become an embodiment of peace and harmony, love and affection. A Muslim is peace incarnate. He is to rise with the message of Allah's Messenger, which is a message of global peace.

At this juncture, we are to establish, according to the teachings of the Messenger of Islam, a global human society premised on peaceful co-existence—a society where we may live with peace, love, tolerance, mutual respect, honour and dignity, and where there shall be nobility, reverence and security for religion. The message dictates tolerance, moderation, human dignity, honouring freedoms and liberties for the development and prosperity of human society on the planet. We are to alleviate poverty, ignorance, bigotry and extremism and all forms of hatred and terrorism from the world to make it a safe haven for the future generations. That is the only way to establish equality, justice and rule of law and eliminate oppression, coercion and corruption from the surface of the earth.

### 12.12 AFTERWORD

Respected readers! Peering into the shadows of words spread over the preceding pages, the truth has been demystified that Islam unequivocally teaches to promote sentiments of love and affection, sympathy and compassion, courtesy and proprieties. Being a Din of peace and security its call overwhelms the whole of humanity—all its socio-economic strata, ethnic layers and political divisions. Whatever religion or community one belongs to, the worldly well-being and otherworldly triumph of all humans form the basic elements of Islamic teachings. Against this backdrop should be appreciated the peculiar rulings pertaining to the People of the Book and the principles of permissibility and justification in several matters with the intention to develop trust and nearness and amity as desired by the divine prudence. Only this way will they revisit the rest of their creeds and

beliefs. The Prophet's relations with the Jews of Medina and the treaties and contracts with them for smooth sailing in individual, economic, political, diplomatic affairs were the practical manifestation of the sentiments of well-wishing, mutual cooperation and coexistence.

Islamic history is replete with these sentiments of love and regard, well-wishing and peaceful coexistence. The western historians even today forthrightly confess that the People of the Book were better protected and more peaceful in the Islamic state than in Europe during crusades. That relates to the era of Islamic political and cultural dominance over the world. The modern world is a total contradiction. The Muslims have been undergoing a fall for last over three centuries. A large number of Muslims have settled in non-Muslim communities, societies and civilizations as minorities. The Muslim governments are engaged in diverse interactions with the non-Muslim states while this exercise vastly transpires at individual levels. If the Muslims demonstrate hatred and spite towards the non-Muslims, they will face the worse reaction from the opposite side.

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This book focuses on dealing with questions and concerns regarding long-term and sustainable peaceful relations between Muslims and non-Muslims, in both Muslim majority countries and also western countries where Muslims live as minorities.

The book is divided into two sections. The first section discusses individual and community relations, providing ample evidences for very important aspects in this regard. Muslims in their treatment of non-Muslims, bas a rule, are to ensure that all non-Muslims are secure in their lives and in their belongings. The book further illustrates how Muslims are to treat non-Muslims with piety and excellent social morality, and not as second class citizens or inferior beings.

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This book presents a high standard of Islamic scholarship for Muslims and non-Muslims alike. Members of diverse communities may benefit by comparing their own viewpoints, perspectives, understandings, and opinions with this important work of an authentic scholarly standard.

